

EXHIBIT A

SHANNON L. PHILLIPS

1 (Pages 1 to 4)

1

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY
- - -
SHANNON PHILLIPS
: CIVIL ACTION NO.
vs. : 19-19432
:
STARBUCKS :
CORPORATION d/b/a :
STARBUCKS COFFEE :
COMPANY :
- - -
TUESDAY, JANUARY 26, 2021
- - -
VIDEOTAPED DEPOSITION OF
SHANNON L. PHILLIPS, taken pursuant to
notice, was held by and between all parties
present via communication technology using
WebEx, commencing at 10:07 a.m., before
Kimberly S. Gordon, a Registered
Professional Reporter, Certified Court
Reporter and Notary Public.
- - -
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1 - - -
2 I N D E X
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5 Testimony of: SHANNON L. PHILLIPS
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7
8 By Mr. Harris.....6
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11 - - -
12 E X H I B I T S
13 - - -
14 EXHIBIT NUMBER DESCRIPTION PAGE MARKED
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16 P-2 FLEMKE0001 to 0016 55
17 P-3 Plaintiff's Response to 74
18 Defendant's Request for
19 Admissions
20 P-4 EEOC Charge 107
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22 P-6 10-page document, 135
23 excerpts from Guide
24 P-7 PHILLIPS00348 to 00455 168

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1 - - -
2 DEPOSITION SUPPORT INDEX
3 - - -
4
5 Direction to Witness Not to Answer
6 Page Line
7 None
8
9
10 Request for Production of Documents
11 Page Line
12 None
13
14
15 Stipulations
16 Page Line
17 None
18
19
20 Question Marked
21 Page Line
22 None
23
24

SHANNON L. PHILLIPS

2 (Pages 5 to 8)

<p style="text-align: right;">5</p> <p>1 THE VIDEOGRAPHER: Good</p> <p>2 morning. We are now on the record.</p> <p>3 My name is Rick Christian. I'm a</p> <p>4 videographer retained by Elite.</p> <p>5 Today's date is January 26, 2021, and</p> <p>6 the video time is 10:07 a.m. Eastern.</p> <p>7 This deposition is in the</p> <p>8 matter of Shannon Phillips versus</p> <p>9 Starbucks. The deponent is Shannon</p> <p>10 Phillips.</p> <p>11 Would counsel like to state</p> <p>12 your appearance for the record?</p> <p>13 MS. OELTJEN: Good morning.</p> <p>14 Kate Oeltjen of Console & Mattiacci</p> <p>15 Law for the Plaintiff, Shannon</p> <p>16 Phillips. My colleague Holly Smith</p> <p>17 is not yet present, but I do expect</p> <p>18 that she will join us at some</p> <p>19 juncture this morning.</p> <p>20 MR. HARRIS: Richard Harris and</p> <p>21 Marc Esterow on behalf of Littler</p> <p>22 Mendelson and the Defendant,</p> <p>23 Starbucks Corporation, and joining</p> <p>24 with us this morning is Robyn</p>	<p style="text-align: right;">7</p> <p>1 videotaping your deposition, so he's going to</p> <p>2 do the same thing today even though we're</p> <p>3 doing it through Webcast. So we're going to</p> <p>4 be recording your deposition. Do you</p> <p>5 understand that?</p> <p>6 A. I do.</p> <p>7 Q. Okay, good. Can you hear me okay?</p> <p>8 A. I can. Can you hear me okay?</p> <p>9 Q. Okay. Your sound is coming through</p> <p>10 perfectly. And can you actually see me?</p> <p>11 A. I can.</p> <p>12 Q. Okay, great. I can see you as well.</p> <p>13 So we're going to take your</p> <p>14 deposition this morning. And what that means</p> <p>15 is we're going to ask you a few questions,</p> <p>16 and hopefully, if you understand the</p> <p>17 question, you'll be able to answer those</p> <p>18 questions.</p> <p>19 And so far, have you been able to</p> <p>20 understand the things that I've said thus</p> <p>21 far?</p> <p>22 A. Yes, I have.</p> <p>23 Q. Okay. And during the course of this</p> <p>24 deposition, I'm going to ask that you only</p>
<p style="text-align: right;">6</p> <p>1 Ruderman, in-house counsel for</p> <p>2 Starbucks.</p> <p>3 THE VIDEOGRAPHER: All right.</p> <p>4 If there are no other appearances,</p> <p>5 the court reporter is Kim Gordon and</p> <p>6 will now swear-in the witness.</p> <p>7 - - -</p> <p>8 SHANNON L. PHILLIPS, after</p> <p>9 having been duly sworn, was examined</p> <p>10 and testified as follows:</p> <p>11 - - -</p> <p>12 EXAMINATION</p> <p>13 - - -</p> <p>14 BY MR. HARRIS:</p> <p>15 Q. Good morning, Ms. Phillips. How are</p> <p>16 you?</p> <p>17 A. I'm good. Thank you.</p> <p>18 Q. Ordinarily, we would be in a</p> <p>19 conference room, and in that conference room,</p> <p>20 there would be a court reporter, whom just</p> <p>21 swore you in, and she would be taking down</p> <p>22 everything that you say. And then we'd also</p> <p>23 have a videographer and Rick Christian is the</p> <p>24 videographer today, and he would also be</p>	<p style="text-align: right;">8</p> <p>1 speak to me unless we go on a break and then</p> <p>2 you can certainly speak to others, but while</p> <p>3 you're on the stand, you are actually</p> <p>4 precluded from talking to your counsel. Do</p> <p>5 you understand that?</p> <p>6 A. I do.</p> <p>7 Q. And certainly, even during the course</p> <p>8 of this day, you actually cannot talk to your</p> <p>9 counsel about your testimony. Do you</p> <p>10 understand that as well?</p> <p>11 A. I do.</p> <p>12 Q. Okay. Ms. Phillips, is this the</p> <p>13 first time you've ever had your deposition</p> <p>14 taken?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Prior to you coming today, did</p> <p>17 you speak to anyone about your deposition</p> <p>18 other than your counsel?</p> <p>19 A. Oh. My mom knows that I'm here. My</p> <p>20 kids know, yes, that I'm doing a deposition.</p> <p>21 Q. Okay. Did you talk to them about</p> <p>22 what you intend on testifying to this</p> <p>23 morning?</p> <p>24 A. Just the truth.</p>

SHANNON L. PHILLIPS

3 (Pages 9 to 12)

<p style="text-align: right;">9</p> <p>1 Q. Okay. Did you look at any documents</p> <p>2 before you came this morning?</p> <p>3 A. No.</p> <p>4 Q. When was the last time you looked at</p> <p>5 any documents prior to your deposition?</p> <p>6 A. Last night.</p> <p>7 Q. Okay. What did you review?</p> <p>8 A. I reviewed, Kate had sent me --</p> <p>9 MS. OELTJEN: Shannon, stop.</p> <p>10 THE WITNESS: Sorry.</p> <p>11 MS. OELTJEN: So, Shannon, this</p> <p>12 is where I'm just going to say you</p> <p>13 can't tell Mr. Harris about anything</p> <p>14 that I sent to you that are my</p> <p>15 thoughts or words or comments or</p> <p>16 communications between you and I, but</p> <p>17 you can tell Mr. Harris about any</p> <p>18 documents that you looked at that</p> <p>19 were not a result of us communicating</p> <p>20 and communicating about legal advice.</p> <p>21 THE WITNESS: Okay.</p> <p>22 I looked at some documents that</p> <p>23 were like the filing and the -- just</p> <p>24 to refresh my memory. And some, I</p>	<p style="text-align: right;">11</p> <p>1 the allegations that you're raising in this</p> <p>2 lawsuit against Starbucks Corporation?</p> <p>3 MS. OELTJEN: Objection. You</p> <p>4 can answer.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. Okay.</p> <p>8 MS. OELTJEN: Rich, I'm sorry</p> <p>9 to interrupt you. Marc, there's</p> <p>10 something going on with your video</p> <p>11 that's like flashing like a strobe</p> <p>12 light. I don't know if anyone else</p> <p>13 is seeing that, but -- no? Just me?</p> <p>14 MR. HARRIS: It's by design,</p> <p>15 Kate.</p> <p>16 MS. OELTJEN: Yes, you're</p> <p>17 trying to throw me off my game. All</p> <p>18 right, sorry, bear with me one</p> <p>19 second. It's like real --</p> <p>20 MR. ESTEROW: Sorry.</p> <p>21 MS. OELTJEN: No.</p> <p>22 MR. ESTEROW: It's okay.</p> <p>23 MS. OELTJEN: I guess if I'm</p> <p>24 the only one that's seeing it --</p>
<p style="text-align: right;">10</p> <p>1 think they were called</p> <p>2 Interrogatories, something like that,</p> <p>3 to refresh my memory because it had</p> <p>4 been a while since we put that</p> <p>5 together.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. Anything else?</p> <p>8 A. No, I don't think so.</p> <p>9 Q. Okay. Did you look at any news</p> <p>10 reports or recounts of the incident that</p> <p>11 happened in April of 2018?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you look at any videos?</p> <p>14 A. No.</p> <p>15 Q. Okay. All right. So you said one of</p> <p>16 the documents that you reviewed you said was</p> <p>17 the Complaint, if I'm not mistaken. Did you</p> <p>18 review the Complaint?</p> <p>19 MS. OELTJEN: Objection. You</p> <p>20 can answer.</p> <p>21 THE WITNESS: Yes, I did.</p> <p>22 BY MR. HARRIS:</p> <p>23 Q. Okay. And as I understand the Second</p> <p>24 Amended Complaint, does that contain all of</p>	<p style="text-align: right;">12</p> <p>1 MR. HARRIS: We can go off the</p> <p>2 record for a second.</p> <p>3 - - -</p> <p>4 (A discussion off the record occurred.)</p> <p>5 - - -</p> <p>6 THE VIDEOGRAPHER: Going off</p> <p>7 the record, the time is 10:12 a.m.</p> <p>8 Off the record.</p> <p>9 - - -</p> <p>10 (Off the videotape record.)</p> <p>11 - - -</p> <p>12 THE VIDEOGRAPHER: All right.</p> <p>13 The time is 10:13 a.m. Back on the</p> <p>14 record.</p> <p>15 MS. OELTJEN: Rich, I'll just</p> <p>16 add for the record that my colleague</p> <p>17 Holly Smith has now joined us.</p> <p>18 MR. HARRIS: Good morning, Ms.</p> <p>19 Smith. How are you?</p> <p>20 MS. SMITH: Had some tech</p> <p>21 issues, but I'm here. Nice to see</p> <p>22 you.</p> <p>23 MR. HARRIS: Nice seeing you as</p> <p>24 well. Nice meeting you.</p>

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4 (Pages 13 to 16)

<p style="text-align: right;">13</p> <p>1 Kim, would you mind repeating</p> <p>2 the last question for me, please, and</p> <p>3 for the rest of the audience?</p> <p>4 - - -</p> <p>5 (Whereupon, the pertinent portion of the</p> <p>6 record was read by the court reporter.)</p> <p>7 - - -</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. Ms. Phillips, to paraphrase or</p> <p>10 summarize what I understand your complaint</p> <p>11 is, you have essentially three allegations.</p> <p>12 One is you're alleging that you were the</p> <p>13 victim of reverse discrimination?</p> <p>14 MS. OELTJEN: Objection. You</p> <p>15 can answer.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. HARRIS:</p> <p>18 Q. Okay. You're also alleging that you</p> <p>19 were retaliated against, yes?</p> <p>20 MS. OELTJEN: Objection. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. Okay. And is there a third complaint</p>	<p style="text-align: right;">15</p> <p>1 chance to review that. Did you not?</p> <p>2 A. I think I reviewed that last night.</p> <p>3 I reviewed, I reviewed the Complaint. I</p> <p>4 think it was the Second Amended one. I'm not</p> <p>5 100 percent sure, but I think so.</p> <p>6 Q. Okay. And you identified certain</p> <p>7 individuals in that Complaint, but you</p> <p>8 identified the two young men that were</p> <p>9 arrested in April of 2018 as two black men.</p> <p>10 Do you recall seeing that?</p> <p>11 MS. OELTJEN: Objection. You</p> <p>12 can answer.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. HARRIS:</p> <p>15 Q. Do you recall their names?</p> <p>16 A. I do not.</p> <p>17 Q. Did you ever know their names?</p> <p>18 MS. OELTJEN: Objection. You</p> <p>19 can answer.</p> <p>20 THE WITNESS: I'm sure I did,</p> <p>21 but it's been about three years. So,</p> <p>22 I'm sorry, I don't remember them.</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. Did you recall writing down their</p>
<p style="text-align: right;">14</p> <p>1 that you're raising in this lawsuit?</p> <p>2 A. I don't think so. I'm not sure.</p> <p>3 Q. Okay. So essentially you're arguing</p> <p>4 that in your lawsuit that you were the victim</p> <p>5 of reverse discrimination based on the</p> <p>6 incident that occurred in April of 2018</p> <p>7 inside the 18th and Spruce store?</p> <p>8 MS. OELTJEN: Objection. You</p> <p>9 can answer.</p> <p>10 THE WITNESS: Yes, that's</p> <p>11 correct.</p> <p>12 BY MR. HARRIS:</p> <p>13 Q. Okay. And you're also alleging that</p> <p>14 you were retaliated against based on your</p> <p>15 complaint to someone in the organization at</p> <p>16 Starbucks?</p> <p>17 MS. OELTJEN: Objection. You</p> <p>18 can answer.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. HARRIS:</p> <p>21 Q. Okay. All right. Now, let's go back</p> <p>22 to, you have some detailed allegations in</p> <p>23 your lawsuit that's based in the Second</p> <p>24 Amended Complaint. You said that you had a</p>	<p style="text-align: right;">16</p> <p>1 names anywhere?</p> <p>2 A. Back in 2018?</p> <p>3 Q. From 2018 until today's date.</p> <p>4 A. I did write down their names, yes.</p> <p>5 Q. Okay. But as you sit here and as you</p> <p>6 looked at the documents, nothing would</p> <p>7 refresh your recollection to tell you what</p> <p>8 their names are today as you sit here and</p> <p>9 testify?</p> <p>10 MS. OELTJEN: Objection. You</p> <p>11 can answer.</p> <p>12 THE WITNESS: I would have to</p> <p>13 refer to my notes, and I don't have</p> <p>14 my notes in front of me. So I don't,</p> <p>15 off the top of my head, no, I'm</p> <p>16 sorry, I don't recall their names.</p> <p>17 If you want me to look at my notes,</p> <p>18 I'm more than happy to.</p> <p>19 MS. OELTJEN: Can't.</p> <p>20 Mr. Harris has your notes. So,</p> <p>21 Shannon, if he wants to show them,</p> <p>22 don't -- you don't have to go and</p> <p>23 collect things. Mr. Harris has them.</p> <p>24 THE WITNESS: Okay.</p>

SHANNON L. PHILLIPS

5 (Pages 17 to 20)

<p style="text-align: right;">17</p> <p>1 BY MR. HARRIS:</p> <p>2 Q. So, Ms. Phillips, despite looking at</p> <p>3 the documents that you were reviewing before</p> <p>4 you testified today, as you sit here, you</p> <p>5 cannot remember the two individuals' names</p> <p>6 who were arrested inside the 18th and Spruce</p> <p>7 store?</p> <p>8 MS. OELTJEN: Rich, I'm going</p> <p>9 to object, and I'm going to put on</p> <p>10 the record that in the over 5,000</p> <p>11 pages of documents that Starbucks</p> <p>12 produced I don't recall seeing their</p> <p>13 names anywhere.</p> <p>14 MR. HARRIS: You're not</p> <p>15 testifying, Kate, but thank you.</p> <p>16 MS. OELTJEN: I am not, but</p> <p>17 this is not --</p> <p>18 MR. HARRIS: You're not</p> <p>19 testifying.</p> <p>20 MS. OELTJEN: You can --</p> <p>21 MR. HARRIS: Thank you very</p> <p>22 much.</p> <p>23 MS. OELTJEN: She's asked and</p> <p>24 answered it multiple times --</p>	<p style="text-align: right;">19</p> <p>1 Q. When you say "horrible", what made it</p> <p>2 horrible?</p> <p>3 A. What made it horrible? Two men were</p> <p>4 arrested in a store of mine, and obviously,</p> <p>5 that should never have happened. And what</p> <p>6 came after, the protesting. And it was just</p> <p>7 a very terrible situation all around.</p> <p>8 Q. Can you describe to me the events</p> <p>9 that led to their arrest?</p> <p>10 A. The events that led to their arrest?</p> <p>11 Q. Yes.</p> <p>12 A. I wasn't in the store when it</p> <p>13 happened, so I can tell you what I know based</p> <p>14 on what was shared with me. Is that what you</p> <p>15 want me to do?</p> <p>16 Q. Let's put a finer point on it. As a</p> <p>17 result of the two men getting arrested, there</p> <p>18 was an investigation that was done</p> <p>19 internally?</p> <p>20 MS. OELTJEN: Is that a</p> <p>21 question?</p> <p>22 BY MR. HARRIS:</p> <p>23 Q. Was there not an investigation,</p> <p>24 Ms. Phillips?</p>
<p style="text-align: right;">18</p> <p>1 MR. HARRIS: So I'm asking it</p> <p>2 again.</p> <p>3 MS. OELTJEN: -- she doesn't</p> <p>4 recall their names. You got it,</p> <p>5 Rich, she doesn't remember their</p> <p>6 names.</p> <p>7 BY MR. HARRIS:</p> <p>8 Q. Ms. Phillips, again?</p> <p>9 A. Are you asking me if I remember their</p> <p>10 names again?</p> <p>11 Q. Yes, I'm asking you that again.</p> <p>12 A. So I have to be honest, I don't</p> <p>13 remember their names off the top of my head.</p> <p>14 I'm sorry.</p> <p>15 Q. Okay. Was that a significant event</p> <p>16 that happened, the event that took place on</p> <p>17 April of 2018?</p> <p>18 A. Yes, it was very significant.</p> <p>19 Q. What made it significant?</p> <p>20 A. It was a horrible situation. It</p> <p>21 happened in a store that was under my</p> <p>22 umbrella. Two men were arrested. It was I</p> <p>23 think probably the worst thing that ever</p> <p>24 happened at Starbucks in all honesty.</p>	<p style="text-align: right;">20</p> <p>1 MS. OELTJEN: Objection. You</p> <p>2 can answer.</p> <p>3 THE WITNESS: If you mean by</p> <p>4 "investigation" did the company</p> <p>5 review the security tapes from the</p> <p>6 store, yes. There were multiple</p> <p>7 calls with a manager at the store</p> <p>8 that was involved and her district</p> <p>9 manager as well as a slew of people</p> <p>10 from Seattle wanting to understand</p> <p>11 better what had happened. So I would</p> <p>12 say that was the investigation.</p> <p>13 BY MR. HARRIS:</p> <p>14 Q. Okay. Did you speak to the manager</p> <p>15 that was on duty at the time the gentlemen</p> <p>16 were arrested about the incidents that led to</p> <p>17 their arrest?</p> <p>18 A. The night that it happened?</p> <p>19 Q. At any time thereafter.</p> <p>20 A. Oh. Yes, I did.</p> <p>21 Q. Okay. What were you informed by her?</p> <p>22 A. About what they were arrested?</p> <p>23 Q. Yes.</p> <p>24 A. That two men had come into the store</p>

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6 (Pages 21 to 24)

<p style="text-align: right;">21</p> <p>1 and they had asked to use the restroom. 2 Starbucks had a policy, it was called Safe 3 and Welcoming, that restrooms were for 4 customers only. So she said to them, 5 according to her, "I'm happy to provide you 6 the restroom code", because the doors were 7 locked, they had codes on them, "upon making 8 a purchase". And they didn't make a 9 purchase, so she didn't provide the code. 10 She said that they went down and sat 11 in the café. And our cafés at the time, 12 there is the Safe and Welcoming policy, there 13 was a Code of Conduct hanging in the stores, 14 and the stores were trained on how to 15 approach people that were non-customers in 16 the store, somebody who hadn't purchased 17 something. 18 So she approached them and said, "Can 19 I get something started for you", and they 20 said, "No, won't be purchasing anything 21 today". My understanding is she let them 22 know, you know, "The cafés are for our 23 customers only. If you're not purchasing 24 something, I need you to move along", and</p>	<p style="text-align: right;">23</p> <p>1 of how it worked at Starbucks where you 2 would, you know, share up the chain kind of 3 what had happened in the store when an 4 incident had happened. 5 And so I spoke with Paul about it, I 6 spoke with my boss about it, and then I 7 believe the next day there was a phone call, 8 a conference call that there were a lot of 9 people on from Seattle as well as our local 10 level people, me, the district manager, the 11 store manager, where the manager then relayed 12 to I'll say senior leaders in the company 13 that were on this call what happened. 14 Q. And did you think based on your 15 discussion with the manager -- do you recall 16 the manager's name? 17 A. Yes, Holly. 18 SPEAKER: Yes, I got to listen. 19 THE WITNESS: Sorry, I don't -- 20 I heard something. 21 MR. HARRIS: No, I think I 22 heard someone else's voice as well. 23 BY MR. HARRIS: 24 Q. You said the manager who called the</p>
<p style="text-align: right;">22</p> <p>1 they did not. 2 At that point, she called the police 3 and said, "I have two gentlemen in the café 4 refusing to make a purchase and refusing to 5 leave". And then the police came to the 6 store, and from there, the police were the 7 ones that made the decisions. 8 Q. Okay. That's extremely detailed. 9 You remember all of that from 2018? 10 A. I do. It was a significant incident. 11 Yes, I do. 12 Q. Okay. And did you speak to anyone 13 else other than the manager about the 14 incidents that led to the arrest of the two 15 gentlemen in the store? 16 A. Yes, of course. The night it 17 happened, I didn't speak to the manager. The 18 night it happened, her district manager Paul 19 Sykes had reached out to me, told me what 20 happened. And I then reached out to my boss 21 at the time, her name was Camille, to let her 22 know what had happened and relayed the 23 information that the manager had given to 24 Paul and Paul had given to me. That was kind</p>	<p style="text-align: right;">24</p> <p>1 police in April of 2018, her name was Holly? 2 A. That's correct. 3 Q. Okay. How long had you worked with 4 Holly before that incident? 5 A. I think about five years. 6 Q. Did you hire Holly? 7 A. I did not. 8 Q. Okay. Typically, in hiring, -- you 9 were the Regional Director. Is that 10 accurate? 11 A. That's correct. 12 Q. As of April of 2018, correct? 13 A. Well, I mean I had been there a lot 14 longer than that, but yes, April of 2018 I 15 was the Regional Director. 16 Q. Understood. And the Regional 17 Director is responsible for hiring the 18 district managers. Is that accurate? 19 A. Correct. 20 Q. And then the district managers hire 21 the store managers or the café managers? 22 A. Yes. I would sign-off on promotions 23 as well. So I would meet with the store 24 manager, typically they would do a coffee</p>

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7 (Pages 25 to 28)

<p style="text-align: right;">25</p> <p>1 tasting, the potential store manager, and 2 they would do a coffee tasting. And because 3 we had very open lines of communications, so 4 it was important to have relationships at all 5 levels. 6 Q. Okay. So Holly, do you remember 7 Holly's last name who was the store manager? 8 A. Hylton. 9 Q. Holly Hylton, okay. And after 10 talking to Holly Hylton, did you believe that 11 she had applied, I believe you called it -- 12 what was the name of the procedure that you 13 said that was applicable as to why she 14 escorted the gentlemen out of the store? 15 MS. OELTJEN: Objection. You 16 can answer. 17 THE WITNESS: It's called Safe 18 and Welcoming. 19 BY MR. HARRIS: 20 Q. Okay. The Safe and Welcoming policy, 21 do you believe that she had applied it 22 appropriately? 23 A. I don't think the police should have 24 been called, but I think they were called as</p>	<p style="text-align: right;">27</p> <p>1 question. What in their conduct rose 2 to the level that the police should 3 have been called? 4 BY MR. HARRIS: 5 Q. Yes. You said something about 6 "escalation". So I'm trying to figure out 7 what was in the conduct of the gentlemen in 8 the store that rose to the level that the 9 police should have been contacted. 10 MS. OELTJEN: Objection. You 11 can answer. 12 THE WITNESS: So, according to 13 the Safe and Welcoming policy, the 14 café was for customers only. There 15 were signs posted in the store about 16 that. We reserved the cafés for 17 paying customers. 18 So, if someone wasn't making a 19 purchase, they were what we would 20 call a non-customer, so we would ask 21 them to leave the store. And if 22 someone refused to leave the store, 23 then I think that would have turned 24 it into a more escalated situation.</p>
<p style="text-align: right;">26</p> <p>1 a result of this flawed policy, yes. 2 Q. Okay. I don't recall you mentioning, 3 and correct me if I'm wrong, does the policy 4 actually call for notifying the police or law 5 enforcement? 6 MS. OELTJEN: Objection. You 7 can answer. 8 THE WITNESS: So the Safe and 9 Welcoming policy -- let's see, does 10 it actually -- yes, it kind of goes 11 through the steps or it went through 12 the steps of how to address something 13 and then, if it escalated, do this, 14 and it kind of gave you different 15 avenues to go down. 16 BY MR. HARRIS: 17 Q. I don't recall you mentioning, did 18 the gentlemen, what was in their conduct that 19 escalated this incident that rose to the 20 level that the police should be contacted? 21 MS. OELTJEN: Objection. You 22 can answer. 23 THE WITNESS: I don't -- I'm 24 going to make sure I understand the</p>	<p style="text-align: right;">28</p> <p>1 I don't know if Holly felt 2 threatened in some way. I don't, I 3 don't know what was going through her 4 mind. But I know that based on what 5 she shared there were non-customers 6 in the store that were refusing to 7 leave, so she decided to make the 8 phone call to the police. 9 BY MR. HARRIS: 10 Q. You said "threatened". Did she 11 mention to you that she felt threatened? 12 MS. OELTJEN: Objection. You 13 can answer. 14 THE WITNESS: I'm sorry, I said 15 I don't know if she felt threatened 16 in some way, but -- 17 BY MR. HARRIS: 18 Q. I know, but you mentioned that. 19 Where did you get that from? 20 A. Well, I think in the Safe and 21 Welcoming procedures, -- you know, without 22 looking at them directly, I would hate to 23 paraphrase, but the policy was around issues 24 that would arise in the store, non-customers</p>

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8 (Pages 29 to 32)

<p style="text-align: right;">29</p> <p>1 in the store, you know, drug use in the 2 restrooms, lots of things that happened in 3 the stores, one of which was people, it 4 listed it out, loitering. So I believe that 5 she felt these folks were loitering in the 6 store since they weren't making a purchase. 7 So -- 8 Q. Was that your recollection of what 9 she told you that she felt the individuals 10 were loitering? 11 MS. OELTJEN: Objection. You 12 can answer. 13 THE WITNESS: I don't recall 14 honestly what she said at the time. 15 I know they were non-customers in the 16 store. 17 BY MR. HARRIS: 18 Q. Okay. And as I understand the policy 19 that you're referring to, the policy, does it 20 not indicate that the police should be called 21 only in unique or escalated circumstances? 22 MS. OELTJEN: Objection. You 23 can answer. 24 THE WITNESS: Without looking</p>	<p style="text-align: right;">31</p> <p>1 the same time. So I apologize. 2 I'm not asking the witness to 3 guess, but I'm asking her based on 4 her information and based on her 5 being experienced in running, 6 operating or overseeing that store. 7 THE WITNESS: Can you ask me 8 the question again? And, I'm sorry, 9 I forgot at this point. 10 BY MR. HARRIS: 11 Q. Sure, no problem. Do you recall 12 whether or not the policy would require the 13 police to be called in any circumstance in 14 which someone was not making a purchase? 15 A. I don't recall. 16 Q. Do you recall whether or not that 17 would be the spirit of the policy? Did you 18 train on the policy? 19 MS. OELTJEN: Objection. 20 THE WITNESS: The policy was 21 taught by our Partner Resource 22 Manager and our P&AP Manager. So I 23 didn't teach the policy, no. 24 BY MR. HARRIS:</p>
<p style="text-align: right;">30</p> <p>1 at it in front of me, it would be me 2 guessing. So, you know, I don't want 3 to guess at exactly what it says. 4 BY MR. HARRIS: 5 Q. How about your recollection of what 6 it says? 7 MS. OELTJEN: Objection. If 8 you don't have a recollection and you 9 would be guessing, then you've 10 answered the question. 11 BY MR. HARRIS: 12 Q. I'm asking you to provide us based on 13 your information and inference based on the 14 information that you had since you were 15 responsible for that store. 16 MS. OELTJEN: Rich, I'm not 17 going to allow the witness to guess 18 today. 19 MR. HARRIS: I'm not asking her 20 to guess. I'm asking her -- 21 MS. OELTJEN: That's the only 22 -- 23 MR. HARRIS: I'm not asking her 24 to guess, and we both can't talk at</p>	<p style="text-align: right;">32</p> <p>1 Q. Did you ever attend a training 2 regarding the policy? 3 A. I attended the training with the 4 store managers. 5 Q. Okay. And based on the training that 6 you received, in what circumstances would the 7 police be called? 8 MS. OELTJEN: Objection. You 9 can answer. 10 THE WITNESS: It was a long 11 time ago. I'm sorry, it was well 12 over three years ago that I went 13 through the training, so I just -- 14 I'm sorry, I don't recall. 15 BY MR. HARRIS: 16 Q. Okay. Now, after -- you said that 17 you spoke to, I believe you said her last 18 name was Holly -- what was her last name, 19 excuse me? 20 A. Hylton. 21 Q. Holly Hylton. After speaking to 22 Ms. Hylton, did you speak to anyone else 23 about the incident that took place in April 24 of 2018 in the store at 18th and Spruce</p>

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9 (Pages 33 to 36)

<p style="text-align: right;">33</p> <p>1 Street?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Okay. About the incident?</p> <p>4 A. Yes.</p> <p>5 Q. Anyone else that had personal</p> <p>6 knowledge of what happened why the two</p> <p>7 gentlemen were in the store?</p> <p>8 A. Had personal knowledge, no. Holly</p> <p>9 was the only person I talked to that was in</p> <p>10 the store when it happened.</p> <p>11 Q. Okay. Did you look at the videotape?</p> <p>12 I think you referred in your testimony a few</p> <p>13 moments ago about a videotape that was in the</p> <p>14 store of the incident that took place.</p> <p>15 A. I did not. The P&AP person, her name</p> <p>16 was Rhonda, she looked at it. She shared</p> <p>17 that she looked at it.</p> <p>18 Q. Okay. "P&AP", for the record, could</p> <p>19 you tell us what that means?</p> <p>20 A. Partner and Asset Protection.</p> <p>21 Q. Okay. So that's sort of like the</p> <p>22 security detail?</p> <p>23 MS. OELTJEN: Objection.</p> <p>24 THE WITNESS: Sort of. They're</p>	<p style="text-align: right;">35</p> <p>1 Q. Okay. Is that how you would define</p> <p>2 "loitering" as well?</p> <p>3 A. Personally, no. I think, you know,</p> <p>4 somebody being there for hours and hours I</p> <p>5 would personally consider loitering, but the</p> <p>6 way we looked at it in terms of the policy</p> <p>7 that Starbucks had given us it was a</p> <p>8 non-customer, so someone who had not made a</p> <p>9 purchase.</p> <p>10 Q. Did you ever look, after the</p> <p>11 incident, did you ever look at the social</p> <p>12 media or media outlet reports demonstrating</p> <p>13 what the gentlemen were doing in the store</p> <p>14 prior to their arrest?</p> <p>15 A. I don't think there were videos of</p> <p>16 what they were doing prior to their arrest.</p> <p>17 If I recall, the videos were more as they</p> <p>18 were getting arrested.</p> <p>19 Q. Did you see --</p> <p>20 A. That's what I remember seeing.</p> <p>21 Q. Okay. Did you see those videos as</p> <p>22 they were getting arrested?</p> <p>23 MS. OELTJEN: Objection. You</p> <p>24 can answer.</p>
<p style="text-align: right;">34</p> <p>1 looking out for the assets and the</p> <p>2 partners in the company. Some</p> <p>3 companies call it Loss Prevention,</p> <p>4 but this is tied more to the partners</p> <p>5 as well, not just assets.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. Not just the assets, okay.</p> <p>8 Based on your discussion with the</p> <p>9 person responsible for -- "P&AP", is that</p> <p>10 what you said?</p> <p>11 A. P&AP, yes.</p> <p>12 Q. -- P&AP, did you have a sense that</p> <p>13 the gentlemen that were in the store were</p> <p>14 loitering?</p> <p>15 MS. OELTJEN: Objection. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: The word</p> <p>18 "loitering", the way we looked at it</p> <p>19 was if a customer was in the store</p> <p>20 not making a purchase.</p> <p>21 So were the men loitering? The</p> <p>22 way I understood it, they were in the</p> <p>23 store and hadn't made a purchase.</p> <p>24 BY MR. HARRIS:</p>	<p style="text-align: right;">36</p> <p>1 THE WITNESS: Yes, I did.</p> <p>2 BY MR. HARRIS:</p> <p>3 Q. Okay. Were you aware -- and I</p> <p>4 believe Ms. Hylton, did she tell you that the</p> <p>5 gentlemen had been in the store for less than</p> <p>6 three minutes before she notified the police?</p> <p>7 MS. OELTJEN: Objection. You</p> <p>8 can answer.</p> <p>9 THE WITNESS: Just to make sure</p> <p>10 I understand the question, did</p> <p>11 Ms. Hylton tell me that they had been</p> <p>12 in the store less than three minutes</p> <p>13 before she called the police?</p> <p>14 BY MR. HARRIS:</p> <p>15 Q. Yes.</p> <p>16 A. No, I don't recall her telling me</p> <p>17 that.</p> <p>18 Q. Did you find that out through other</p> <p>19 sources?</p> <p>20 A. Yes, I must have found that out</p> <p>21 through other sources.</p> <p>22 Q. Did you listen to the radio tape of</p> <p>23 when she notified the police?</p> <p>24 MS. OELTJEN: Objection. You</p>

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10 (Pages 37 to 40)

<p style="text-align: right;">37</p> <p>1 can answer.</p> <p>2 THE WITNESS: Are you referring</p> <p>3 to the 9-1-1 call?</p> <p>4 BY MR. HARRIS:</p> <p>5 Q. I am.</p> <p>6 A. Yes, I heard a video of the -- the</p> <p>7 police put out a video of the or a recording</p> <p>8 I think of the 9-1-1 call. So I did hear it,</p> <p>9 yes.</p> <p>10 Q. What was your reaction?</p> <p>11 A. To the 9-1-1 call?</p> <p>12 Q. Yes.</p> <p>13 A. What was my reaction?</p> <p>14 Q. Yes.</p> <p>15 A. I recall her saying to the police, "I</p> <p>16 have two gentlemen in my café refusing to</p> <p>17 make a purchase and refusing to leave", and I</p> <p>18 guess that accurately described what was</p> <p>19 happening in the store.</p> <p>20 Does that mean I think the call</p> <p>21 should have happened to the police? No. But</p> <p>22 my reaction to the call was she accurately</p> <p>23 described what was happening. There were two</p> <p>24 people in the store not making a purchase and</p>	<p style="text-align: right;">39</p> <p>1 A. What steps did I take?</p> <p>2 Q. Yes.</p> <p>3 A. The next day I went into the city to</p> <p>4 the store, met with the district manager and</p> <p>5 the store manager. My boss Camille also came</p> <p>6 that day into the city. We spent I believe</p> <p>7 the whole day in the store kind of talking</p> <p>8 about what had happened and what we needed to</p> <p>9 do going forward.</p> <p>10 We came up with some plans around</p> <p>11 information that we were being given, that</p> <p>12 there were potentially going to be protests</p> <p>13 happening. So I took steps reaching out to</p> <p>14 my other district managers to provide support</p> <p>15 into the city.</p> <p>16 The -- I don't know if you want me to</p> <p>17 keep talking about all the steps, but I did a</p> <p>18 lot from there.</p> <p>19 Q. When you said that -- one of the</p> <p>20 things that you mentioned was that when you</p> <p>21 came into the city that you met with Camille,</p> <p>22 who was your supervisor, correct?</p> <p>23 A. She came into the city as well. She</p> <p>24 lived in Bethesda. Yes, she came in as well.</p>
<p style="text-align: right;">38</p> <p>1 not leaving, and that went against the</p> <p>2 Starbucks Safe and Welcoming policy.</p> <p>3 Q. As the leader for that district, --</p> <p>4 A. Region.</p> <p>5 Q. Correct me if I'm wrong. Thank you</p> <p>6 for correcting me.</p> <p>7 -- for that region, what should have</p> <p>8 happened based on the facts as you understand</p> <p>9 it?</p> <p>10 MS. OELTJEN: Objection. You</p> <p>11 can answer.</p> <p>12 THE WITNESS: What should have</p> <p>13 happened? I don't think the police</p> <p>14 should have been called. I believe</p> <p>15 Holly was following a flawed policy</p> <p>16 that the company put out. But I,</p> <p>17 personally, I don't think the police</p> <p>18 should have been called.</p> <p>19 BY MR. HARRIS:</p> <p>20 Q. What steps did you take as the leader</p> <p>21 for that region --</p> <p>22 MS. OELTJEN: Objection.</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. -- after the incident of April 2018?</p>	<p style="text-align: right;">40</p> <p>1 Q. Okay. And when you met with Holly</p> <p>2 Hylton, was anyone else there during the</p> <p>3 course of that meeting with her?</p> <p>4 A. Certainly, her district manager Paul</p> <p>5 would have been there. I don't recall if we</p> <p>6 sat down with Holly with Camille or before</p> <p>7 Camille got there. I'm sure Camille sat with</p> <p>8 Holly and Paul and I as well. I don't</p> <p>9 recall.</p> <p>10 Q. Okay.</p> <p>11 MR. HARRIS: May the witness be</p> <p>12 shown Exhibit Number 1.</p> <p>13 THE VIDEOGRAPHER: Sure, just</p> <p>14 one moment.</p> <p>15 - - -</p> <p>16 (P-1 marked for identification.)</p> <p>17 - - -</p> <p>18 BY MR. HARRIS:</p> <p>19 Q. So, Ms. Phillips, this is the Second</p> <p>20 Amended Complaint. Is this the document that</p> <p>21 you had a chance of reviewing yesterday?</p> <p>22 MS. OELTJEN: Excuse me, Rich,</p> <p>23 is the witness able to scroll through</p> <p>24 the document? I'm not.</p>

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11 (Pages 41 to 44)

<p style="text-align: right;">41</p> <p>1 MR. HARRIS: That's a wonderful</p> <p>2 question, Kate. I do not know.</p> <p>3 THE VIDEOGRAPHER: This is</p> <p>4 Rick. I'm the only one controlling</p> <p>5 the document. I can scroll to</p> <p>6 wherever we need, if that's okay.</p> <p>7 MS. OELTJEN: So I would just</p> <p>8 ask, Rich, today that the witness</p> <p>9 have the ability to scroll through</p> <p>10 any document that you show her,</p> <p>11 particularly if you're going to ask</p> <p>12 her about that document.</p> <p>13 MR. HARRIS: I don't know if</p> <p>14 we'll be able to do that, but we'll</p> <p>15 see what we can do.</p> <p>16 BY MR. HARRIS:</p> <p>17 Q. So, Ms. Phillips, showing the first</p> <p>18 page of that document, does that -- does this</p> <p>19 document, is this document a fair</p> <p>20 representation of what you reviewed yesterday</p> <p>21 prior to your deposition?</p> <p>22 MS. OELTJEN: I can't let her</p> <p>23 answer that question if she can't</p> <p>24 look at the whole document, Rich.</p>	<p style="text-align: right;">43</p> <p>1 BY MR. HARRIS:</p> <p>2 Q. Does that appear to be the same first</p> <p>3 page that you reviewed yesterday?</p> <p>4 A. It does.</p> <p>5 Q. Okay. Let's go to the second page.</p> <p>6 Is this the same second page of the Second</p> <p>7 Amended Complaint that you reviewed</p> <p>8 yesterday?</p> <p>9 A. Yes, I think so. Yes.</p> <p>10 Q. When you say you think so, is that a</p> <p>11 figure of speech or is there something</p> <p>12 different in this document that you recall</p> <p>13 that you saw yesterday?</p> <p>14 MS. OELTJEN: Objection. You</p> <p>15 can answer.</p> <p>16 THE WITNESS: I just didn't</p> <p>17 read it, you know, 100 percent</p> <p>18 thoroughly.</p> <p>19 I'm sorry. I'm confident this</p> <p>20 is the same thing I reviewed. I</p> <p>21 just, you know, I kind of skimmed</p> <p>22 through it, so --</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. Understood, okay. Let's go to the</p>
<p style="text-align: right;">42</p> <p>1 MR. HARRIS: I'm going to go</p> <p>2 through page by page.</p> <p>3 MS. OELTJEN: Okay. But just I</p> <p>4 just want to make it clear that right</p> <p>5 now all the witness can see is the</p> <p>6 first page, so she can't answer</p> <p>7 whether or not the whole thing is</p> <p>8 what she reviewed yesterday.</p> <p>9 MR. HARRIS: Understood.</p> <p>10 BY MR. HARRIS:</p> <p>11 Q. Let's go through page number 1. Is</p> <p>12 page number 1, does that look like the same</p> <p>13 page number 1 that you reviewed of the Second</p> <p>14 Amended Complaint yesterday?</p> <p>15 A. To be perfectly honest, I skimmed</p> <p>16 through it last night just to refresh my</p> <p>17 memory. So this is likely the document. I'm</p> <p>18 sure it is. If you want me to read each</p> <p>19 page, I'm happy to tell you if I read through</p> <p>20 this or --</p> <p>21 MR. HARRIS: Rick, could you</p> <p>22 blow that up a little bit larger,</p> <p>23 please? Thank you.</p> <p>24 THE WITNESS: Okay.</p>	<p style="text-align: right;">44</p> <p>1 third page to make sure that it is the same</p> <p>2 document, and if that doesn't do it, we'll go</p> <p>3 to the fourth page.</p> <p>4 A. Yes, this looks right.</p> <p>5 Q. Okay, very good. So the Second</p> <p>6 Amended Complaint, what's been now shown to</p> <p>7 you as Exhibit Number 1, that's the document</p> <p>8 that you reviewed yesterday prior to your</p> <p>9 deposition. Is that accurate?</p> <p>10 A. I skimmed through it. I wouldn't say</p> <p>11 I reviewed it in great detail, but I did skim</p> <p>12 over it.</p> <p>13 Q. Okay, you skimmed it. All right.</p> <p>14 Now, you testified that -- strike that.</p> <p>15 Let's now go to --</p> <p>16 MR. HARRIS: I'm sorry, Kim, I</p> <p>17 apologize, can you repeat the last</p> <p>18 question that I asked Ms. Phillips?</p> <p>19 - - -</p> <p>20 (Whereupon, the pertinent portion of the</p> <p>21 record was read by the court reporter.)</p> <p>22 - - -</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. Ma'am, again, after the April of 2018</p>

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12 (Pages 45 to 48)

<p style="text-align: right;">45</p> <p>1 incident, you indicated that you went to the 2 city, meaning Philadelphia, and met with 3 Camille Hymes. Whom else did you meet with? 4 MS. OELTJEN: Objection. You 5 can answer. 6 THE WITNESS: The day after? 7 Is that -- 8 BY MR. HARRIS: 9 Q. Yes. 10 A. Is that when you're referring to? 11 Q. Yes, the day after. 12 A. I probably met with a lot of 13 different people, but I can't say I recall 14 exactly who all I talked to that day. 15 Q. All right. Did you meet with Paul 16 Sykes? 17 A. Yes. 18 Q. And Paul Sykes was the district 19 manager at the time for the store? 20 A. Yes. 21 Q. And you said that you met with Holly 22 Hylton, who was the store manager who was on 23 duty and the young lady who contacted the 24 police?</p>	<p style="text-align: right;">47</p> <p>1 meeting with partners? I can't say I 2 recall it. That would have been my 3 practice to. I always went into 4 stores and talked to all the 5 partners. 6 BY MR. HARRIS: 7 Q. Do you recall any of them talking to 8 you about how Ms. Hylton had treated other 9 partners, specifically African American 10 partners? 11 A. No, I do not recall that. 12 MR. HARRIS: Did I say "Smith"? 13 I meant to say "Hylton" if I did. 14 THE COURT REPORTER: You said 15 "Hylton". 16 THE WITNESS: I don't know what 17 you said, but I knew what you meant. 18 MR. HARRIS: Okay. Okay. 19 Ms. Hylton. So, Holly Smith, excuse 20 me, I meant to say "Hylton". I 21 apologize. 22 BY MR. HARRIS: 23 Q. So do you recall speaking to any of 24 the African American partners about</p>
<p style="text-align: right;">46</p> <p>1 A. Yes. 2 Q. Do you recall meeting with anyone 3 else? 4 A. I know Camille came that day. So, 5 obviously, I met with Camille. I don't 6 recall who else I talked to that day. 7 Q. Did you meet with any of the partners 8 in the store? And under Starbucks' 9 nomenclature, "partners" are the individuals 10 that work in the store, the baristas, et 11 cetera. 12 A. I would have talked to the partners 13 that were working in the store. I can't tell 14 you if they were the same partners that had 15 been there the previous night. Probably not. 16 Because they typically worked mostly nights 17 or mostly days. 18 Q. Understood. Did you meet with, do 19 you recall meeting with any of the partners 20 in the store when you arrived at the store on 21 the day after the incident? 22 MS. OELTJEN: Objection. You 23 can answer. 24 THE WITNESS: Do I recall</p>	<p style="text-align: right;">48</p> <p>1 Ms. Hylton and her treatment of African 2 American patrons in the store? 3 A. The day after the event? 4 Q. Yes. 5 A. I don't recall. 6 Q. Two days after the incident? 7 A. Through the course, I did have 8 conversations with partners in the store, but 9 I would be guessing if I said it was that day 10 or it was that night or it was the following 11 day. I spent pretty much non-stop, until I 12 was let go, in the city. 13 So there were lots of conversations 14 with lots of different people, but I would be 15 guessing as to who and when. 16 Q. Okay. Irrespective of when you spoke 17 to the partners, do you recall any of the 18 partners complaining about Ms. Hylton and her 19 treatment of black patrons in the store? 20 A. No, I do not. 21 Q. Do you recall any of the patrons 22 talking about how Ms. Hylton treated black 23 partners in the store? 24 MS. OELTJEN: Objection. You</p>

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13 (Pages 49 to 52)

<p style="text-align: right;">49</p> <p>1 can answer.</p> <p>2 THE WITNESS: Do I recall</p> <p>3 conversations with customers about</p> <p>4 Holly's treatment of black partners?</p> <p>5 Is that the question?</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. No, that isn't the question. My</p> <p>8 question is: Do you recall any of the</p> <p>9 partners complaining about Ms. Hylton how she</p> <p>10 treated them, specifically black partners?</p> <p>11 MS. OELTJEN: You've changed up</p> <p>12 your question a couple times, Rich,</p> <p>13 like so I just --</p> <p>14 MR. HARRIS: Yes, I asked a</p> <p>15 different question.</p> <p>16 MS. OELTJEN: Okay. Can you</p> <p>17 say it one more time? Because I want</p> <p>18 to make sure I --</p> <p>19 BY MR. HARRIS:</p> <p>20 Q. Ms. Phillips, do you understand the</p> <p>21 question?</p> <p>22 A. I think you asked me if I recall any</p> <p>23 partners talking about how Holly treated</p> <p>24 black partners in the store.</p>	<p style="text-align: right;">51</p> <p>1 Q. Mr. Sykes, Paul Sykes.</p> <p>2 A. Oh. Just to make sure I'm</p> <p>3 understanding the question, what</p> <p>4 conversations did I have with Paul Sykes</p> <p>5 about what leadership steps needed to be</p> <p>6 taken in the store --</p> <p>7 Q. Yes.</p> <p>8 A. -- after the incident happened?</p> <p>9 Q. Yes.</p> <p>10 A. Initially, we did not talk about any</p> <p>11 change in leadership. Very quickly, it</p> <p>12 became -- store managers had their business</p> <p>13 cards posted on the condiment carts where you</p> <p>14 would, you know, do your coffee, so the</p> <p>15 manager's name ended up being on social</p> <p>16 media. And so, at that point, we decided to</p> <p>17 move her to a different store and bring a</p> <p>18 different manager in because we were</p> <p>19 concerned that, you know, her name and face</p> <p>20 had been sort of publicized.</p> <p>21 Shortly after -- well, no, that</p> <p>22 manager remained at the store until I left.</p> <p>23 So her name was Angela.</p> <p>24 MR. HARRIS: Kim, can we go off</p>
<p style="text-align: right;">50</p> <p>1 Q. Yes.</p> <p>2 A. Is that correct?</p> <p>3 Q. That is correct, and that's the</p> <p>4 question.</p> <p>5 A. No, I do not.</p> <p>6 Q. Okay. Do you remember having a</p> <p>7 conversation with Mr. Sykes about complaints</p> <p>8 made against Holly Hylton regarding black</p> <p>9 customers or black partners?</p> <p>10 A. No.</p> <p>11 Q. Okay. Now, Mr. Sykes is African</p> <p>12 American. Is he not?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you recall -- strike that.</p> <p>15 What sorts of conversation did you</p> <p>16 have throughout this process after the</p> <p>17 incident that led to the arrest of these two</p> <p>18 gentlemen regarding what sort of leadership</p> <p>19 steps need to be taken within the store?</p> <p>20 MS. OELTJEN: Objection. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: What sort of --</p> <p>23 conversations with who?</p> <p>24 BY MR. HARRIS:</p>	<p style="text-align: right;">52</p> <p>1 the record for one moment? This</p> <p>2 might be a good time to take a</p> <p>3 comfort break.</p> <p>4 THE VIDEOGRAPHER: Going off</p> <p>5 the record, the time is 10:51 a.m.</p> <p>6 - - -</p> <p>7 (A recess occurred.)</p> <p>8 - - -</p> <p>9 THE VIDEOGRAPHER: All right.</p> <p>10 The time is 10:59 a.m. Eastern. Back</p> <p>11 on the record.</p> <p>12 BY MR. HARRIS:</p> <p>13 Q. Ms. Phillips, welcome back.</p> <p>14 A. Thank you.</p> <p>15 Q. So I asked you a question about</p> <p>16 Mr. Sykes. Mr. Sykes was one of the district</p> <p>17 managers that was responsible for the 18th</p> <p>18 and Spruce store. Was he not?</p> <p>19 MS. OELTJEN: Objection. You</p> <p>20 can answer.</p> <p>21 THE WITNESS: He was the</p> <p>22 district manager that that was his</p> <p>23 store, yes.</p> <p>24 BY MR. HARRIS:</p>

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14 (Pages 53 to 56)

<p style="text-align: right;">53</p> <p>1 Q. Okay. Ben Trinsey was also another 2 district manager as well? 3 A. He was, in Philadelphia, the other 4 half. It was kind of split from east to 5 west. 6 Q. Okay. And so they were the two 7 district managers responsible for the City of 8 Philadelphia and I think for the surrounding 9 counties as well? 10 A. Just the city. 11 Q. Just the city, okay. Now, as a 12 result of the incidents that dealt with the 13 April 2018 incident at the 18th and Spruce 14 store, Mr. Sykes as well as Mr. Trinsey, they 15 were both separated from the organization, 16 correct? 17 MS. OELTJEN: Objection. You 18 can answer. 19 THE WITNESS: Paul was still 20 there when I left. He was not 21 separated, no. Ben, I put him on a 22 suspension, and he later took a 23 package and left, yes. 24 BY MR. HARRIS:</p>	<p style="text-align: right;">55</p> <p>1 You can answer. Sorry, 2 Shannon. You can answer. 3 THE WITNESS: Okay. 4 Approximately one month, yes, 5 that's correct. 6 MR. HARRIS: All right. May 7 the witness be shown Exhibit 8 Number 26. 9 - - - 10 (P-2 marked for identification.) 11 - - - 12 BY MR. HARRIS: 13 Q. Ms. Phillips, as I understand it, you 14 are under the treatment of a psychologist or, 15 slash, therapist? 16 A. Yes. 17 Q. Okay. And her name would be Dr. 18 Finsky (ph). Am I pronouncing that 19 correctly? 20 A. Flemke. 21 Q. Flemke. Flemke, F-L-E-M-K-E. 22 A. That's correct. 23 Q. Okay. When did you begin treating 24 with Dr. Flemke?</p>
<p style="text-align: right;">54</p> <p>1 Q. Are you aware that Mr. Sykes was 2 subsequently separated as well? 3 A. Paul did not get separated from the 4 company. That's incorrect. 5 Q. He's still currently employed? 6 A. Oh, I'm sorry, when you say 7 "separate", I thought you meant like the 8 company separated him, terminated him. 9 He is no longer with the company. He 10 was not let go. 11 Q. Okay. I'm sorry, say that again. 12 What was the last thing? You tailed off at 13 the end. 14 A. He left on his own. 15 Q. Okay, understood. Have you spoken to 16 Mr. Sykes since you left the organization? 17 A. I have. 18 Q. And when did you leave the 19 organization again, for the record? 20 A. May of 2018. 21 Q. So approximately one month after the 22 incident that took place that led to the 23 arrest of the two gentlemen? 24 MS. OELTJEN: Objection.</p>	<p style="text-align: right;">56</p> <p>1 A. Originally, I -- when, I'm sorry, is 2 the question? I can't recall. I would have 3 to ask her. 4 Q. When you first began seeing 5 Dr. Flemke, it was not related to the 6 incident involving your separation from 7 Starbucks, correct? 8 MS. OELTJEN: Objection. You 9 can answer. 10 THE WITNESS: That's correct. 11 BY MR. HARRIS: 12 Q. So you began seeing Dr. Flemke, as I 13 understand your records, was based on you 14 going through a divorce. Is that fair? 15 MS. OELTJEN: Objection. You 16 can answer. 17 THE WITNESS: That's not 18 correct. 19 BY MR. HARRIS: 20 Q. Do you remember when you began seeing 21 Dr. Flemke? Was it more than ten years 22 before April of 2018? 23 A. No, it was not. 24 Q. It was less than that?</p>

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15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 A. Yes, less than that.</p> <p>2 Q. Can you give us a range?</p> <p>3 A. I started seeing her, let me think,</p> <p>4 probably in 2013 maybe.</p> <p>5 Q. Okay. In 2013?</p> <p>6 A. Maybe. I'm not 100 percent sure on</p> <p>7 that. I'm estimating.</p> <p>8 Q. Okay, all right. But certainly</p> <p>9 several years before the April 2018 incident</p> <p>10 and certainly May when you separated from the</p> <p>11 organization?</p> <p>12 MS. OELTJEN: Objection. You</p> <p>13 can answer.</p> <p>14 THE WITNESS: Yes, that's</p> <p>15 correct.</p> <p>16 BY MR. HARRIS:</p> <p>17 Q. All right. Now, as a result of your</p> <p>18 treatment, I know certainly you spoke to your</p> <p>19 therapist about many things, but one of which</p> <p>20 you spoke to Dr. Flemke was about you</p> <p>21 separating from Starbucks?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall describing to</p> <p>24 Dr. Flemke the incident involving the two</p>	<p style="text-align: right;">59</p> <p>1 A. Probably. That's what I think of it</p> <p>2 as, so I probably would have said that.</p> <p>3 MR. HARRIS: May the witness be</p> <p>4 shown page 8 of the document. At the</p> <p>5 bottom, there's a Bates stamp number</p> <p>6 that says FLEMKE0008.</p> <p>7 MS. OELTJEN: Rich, I just have</p> <p>8 a question. I'm trying to</p> <p>9 understand. Are you entering this as</p> <p>10 an exhibit or are you just -- I mean</p> <p>11 I don't think that you entered it.</p> <p>12 So I'm trying to understand.</p> <p>13 MR. HARRIS: I'm not entering</p> <p>14 it as an exhibit.</p> <p>15 MS. OELTJEN: Okay.</p> <p>16 MR. HARRIS: Her testimony will</p> <p>17 be what's going to be important. It</p> <p>18 will be an exhibit at the end. I'll</p> <p>19 move all of them in at the same time.</p> <p>20 MS. OELTJEN: Okay. And are</p> <p>21 they going to be, are we going in</p> <p>22 sequential order, so like this would</p> <p>23 be D-2?</p> <p>24 MR. HARRIS: It's actually, I</p>
<p style="text-align: right;">58</p> <p>1 gentlemen that were arrested?</p> <p>2 A. Do I recall describing it? I</p> <p>3 probably did. I can't say I recall it.</p> <p>4 Q. Do you remember how you characterized</p> <p>5 the incident to Dr. Flemke?</p> <p>6 A. I don't.</p> <p>7 Q. Do you recall telling Dr. Flemke in</p> <p>8 the same way you testified today that it was</p> <p>9 a horrible or horrific incident? And, again,</p> <p>10 I'm paraphrasing.</p> <p>11 A. I probably said that.</p> <p>12 MS. OELTJEN: Objection. You</p> <p>13 can answer.</p> <p>14 THE WITNESS: I'm sorry. What</p> <p>15 did you say, Kate?</p> <p>16 MS. OELTJEN: I said you can</p> <p>17 answer. I'm sorry, Shannon, if you</p> <p>18 just give me a beat to put down the</p> <p>19 objection.</p> <p>20 THE WITNESS: Do I recall</p> <p>21 describing it as a horrible, horrific</p> <p>22 event?</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. Yes.</p>	<p style="text-align: right;">60</p> <p>1 think it's listed as, on our exhibit</p> <p>2 list, as Plaintiff Exhibit Number 26.</p> <p>3 But for the purposes, we'll put it</p> <p>4 down as P-2, yes, we'll put it down</p> <p>5 as P-2 for the purposes of the</p> <p>6 record.</p> <p>7 MS. OELTJEN: Okay.</p> <p>8 MR. HARRIS: So we'll mark this</p> <p>9 as P-2? Can we have this marked as</p> <p>10 P-2?</p> <p>11 MS. OELTJEN: So then here's</p> <p>12 all I would ask so that the record</p> <p>13 accurately reflects like what the</p> <p>14 witness is testifying about, could</p> <p>15 you please call out the Bates</p> <p>16 number --</p> <p>17 MR. HARRIS: Sure.</p> <p>18 MS. OELTJEN: -- of what you're</p> <p>19 looking at? Thank you.</p> <p>20 MR. HARRIS: Yes, sure. The</p> <p>21 Second Amended Complaint did not have</p> <p>22 a Bates Number, so --</p> <p>23 MS. OELTJEN: That's fine. I</p> <p>24 got it.</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 MR. HARRIS: All right. So</p> <p>2 we'll have this marked as P-2, Bates</p> <p>3 stamp beginning with 1 through,</p> <p>4 FLEMKE-1 through FLEMKE-16, and we'll</p> <p>5 have this marked as P-2 for the</p> <p>6 purposes of the record.</p> <p>7 BY MR. HARRIS:</p> <p>8 Q. Ms. Phillips, directing your</p> <p>9 attention to the top of page 8 of this</p> <p>10 document, there's --</p> <p>11 MR. HARRIS: And could you</p> <p>12 highlight for us, Rick, the first</p> <p>13 paragraph of the top of that page?</p> <p>14 BY MR. HARRIS:</p> <p>15 Q. Ma'am, could you read that statement</p> <p>16 first? And then after you finished reading</p> <p>17 it, let me know, and I'll ask you a few</p> <p>18 questions.</p> <p>19 A. Do you want me to read it out loud or</p> <p>20 just --</p> <p>21 Q. Read it to yourself, excuse me.</p> <p>22 A. Okay.</p> <p>23 Q. All right. Ma'am, it says that</p> <p>24 you -- now, this is an entry of April 25th.</p>	<p style="text-align: right;">63</p> <p>1 I'm sorry.</p> <p>2 THE WITNESS: Is that how I</p> <p>3 described it? I don't remember how I</p> <p>4 described it, but these are her notes</p> <p>5 that she obviously took.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. Yes. Do you remember saying that to</p> <p>8 her?</p> <p>9 A. I can't say I totally remember saying</p> <p>10 that. It's been a long time. I'm sorry.</p> <p>11 Q. Is that something likely that you</p> <p>12 would have said to her?</p> <p>13 MS. OELTJEN: Objection. You</p> <p>14 can answer.</p> <p>15 THE WITNESS: I think -- I'm</p> <p>16 sorry. The question was is it</p> <p>17 something I might have said to her?</p> <p>18 BY MR. HARRIS:</p> <p>19 Q. No. Is it something that you would</p> <p>20 have likely have said to her?</p> <p>21 A. That I would have likely said to her?</p> <p>22 It's possible that I said that.</p> <p>23 Q. What was misrepresented by the media?</p> <p>24 A. The media represented exactly what</p>
<p style="text-align: right;">62</p> <p>1 And that's April 25th of what year would you</p> <p>2 have seen Dr. Flemke?</p> <p>3 A. April 25th. That would have been</p> <p>4 2018.</p> <p>5 Q. Okay. So this is a couple weeks</p> <p>6 after the incident?</p> <p>7 A. That's correct.</p> <p>8 Q. All right. And you described to your</p> <p>9 therapist, and if I'm reading this correctly,</p> <p>10 it says, "Patient came into discussed the</p> <p>11 trauma of the whole Starbucks/racism" -- and</p> <p>12 that says "expert"? Is that what that word</p> <p>13 is?</p> <p>14 A. I'm guessing "experience".</p> <p>15 Q. Oh, "experience", okay. "And how the</p> <p>16 media completely sold a sound byte that</p> <p>17 misrepresented the whole thing". That's what</p> <p>18 you told your therapist?</p> <p>19 MS. OELTJEN: Objection.</p> <p>20 THE WITNESS: Did you want me</p> <p>21 to answer?</p> <p>22 BY MR. HARRIS:</p> <p>23 Q. Yes.</p> <p>24 MS. OELTJEN: You can answer.</p>	<p style="text-align: right;">64</p> <p>1 happened, and there was no sharing that it</p> <p>2 was a Starbucks policy that had been</p> <p>3 followed. So it came across as, I think, it</p> <p>4 came across as two men being arrested because</p> <p>5 they were black instead of the store manager</p> <p>6 following a policy that she thought she was</p> <p>7 doing the right thing and made Holly out to</p> <p>8 be kind of the -- that it was her decision in</p> <p>9 what she had done versus there was no media</p> <p>10 about "this is a person that was following a</p> <p>11 policy that the company had instituted". So</p> <p>12 I felt like it was being misrepresented.</p> <p>13 Q. So then that would have been</p> <p>14 something likely you would have told her?</p> <p>15 MS. OELTJEN: Objection.</p> <p>16 THE WITNESS: I can answer?</p> <p>17 MS. OELTJEN: Yes, you can</p> <p>18 answer. I'm sorry.</p> <p>19 THE WITNESS: It's likely I</p> <p>20 would have said that, yes.</p> <p>21 BY MR. HARRIS:</p> <p>22 Q. Is it your testimony that Ms. Hylton</p> <p>23 did not have discretion in contacting law</p> <p>24 enforcement?</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 MS. OELTJEN: Objection. You 2 can answer. 3 THE WITNESS: Is it my 4 testimony that Holly did not have 5 discretion? It's my testimony that 6 Holly was following a policy that 7 Starbucks had instituted around 8 non-customers being in the café, and 9 unfortunately, it was a horrible 10 situation that followed. 11 BY MR. HARRIS: 12 Q. Are you aware of any other instance 13 on or around April of 2018 where white 14 customers were in the store and did not make 15 a purchase and where law enforcement were 16 contacted? 17 MS. OELTJEN: Objection. You 18 can answer. 19 THE WITNESS: Just to make sure 20 I'm understanding, am I aware of any 21 other instances in the store where 22 white customers that were not making 23 a purchase police were called? 24 BY MR. HARRIS:</p>	<p style="text-align: right;">67</p> <p>1 Q. As a result of the April 2018 2 incident, -- 3 A. Yes. 4 Q. -- there was a significant amount of 5 information and data that was collected 6 regarding when law enforcement was contacted 7 by members of that store, correct? 8 MS. OELTJEN: Objection. You 9 can answer. 10 THE WITNESS: I don't know the 11 answer to that. I don't know if that 12 was collected. 13 BY MR. HARRIS: 14 Q. Wouldn't that have been something 15 that you would have wanted to know? 16 MS. OELTJEN: Objection. You 17 can answer. 18 THE WITNESS: The question is 19 did I collect information or is it 20 something I would have wanted to 21 know? 22 BY MR. HARRIS: 23 Q. No. Isn't that something that you 24 would have wanted to know since it was a</p>
<p style="text-align: right;">66</p> <p>1 Q. Yes. 2 A. I didn't receive -- I didn't get like 3 information anytime the police were called 4 about from a store. It wasn't something that 5 I received on a, you know, weekly or monthly 6 basis. So I can't answer if police were 7 called. 8 Q. After -- you indicated that after 9 this process there were several people that 10 came to the store. Significant members of 11 the organization came from Seattle, et 12 cetera, and so there was a detailed 13 description of police activity for that 14 particular store. Didn't that take place? 15 MS. OELTJEN: Objection. You 16 can answer. 17 THE WITNESS: I'm a little -- 18 I'm sorry, I'm confused by the 19 question. You said a lot of people 20 came from Seattle. 21 BY MR. HARRIS: 22 Q. I'll ask a different question, 23 Ms. Phillips. 24 A. Sure.</p>	<p style="text-align: right;">68</p> <p>1 store in your region? 2 A. I would have wanted to know that, 3 yes. 4 Q. Okay. What steps did you take to 5 find that information out? 6 A. What steps did I take? I had lots of 7 conversations with customers in the store, 8 many of whom -- I recall one specific black 9 customer telling me that he had seen white 10 non-customers be asked to leave as well. But 11 since I didn't work in the store, you know, I 12 didn't see that happen. 13 I know that the policy is not 14 discriminate against who. We were not to 15 pick and choose. We had to say a 16 non-customer is a non-customer and was not 17 allowed to stay in the store. 18 Q. Do you recall speaking to a black 19 customer indicating that they had seen white 20 customers asked to leave, do you recall that 21 customer saying that the police were called? 22 A. I think the customer left, the 23 non-customer left, so the police were not 24 called.</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 Q. Okay. What data did you personally</p> <p>2 review in terms of when law enforcement was</p> <p>3 contacted regarding that particular store?</p> <p>4 A. I wouldn't have had access to</p> <p>5 information of when -- police were called all</p> <p>6 the time from stores, but that was not</p> <p>7 something I had access to that information.</p> <p>8 Q. Why wouldn't you have? It's my</p> <p>9 understanding that each store tracks police</p> <p>10 involvement.</p> <p>11 A. By "tracks", if they sent in an</p> <p>12 incident report, that would be something I</p> <p>13 wouldn't find out about -- I would have found</p> <p>14 out about later. I would get a copy of an</p> <p>15 incident report.</p> <p>16 Q. Yes. And so the incident reports</p> <p>17 would detail whether or not when law</p> <p>18 enforcement were contacted?</p> <p>19 MS. OELTJEN: Is that a</p> <p>20 question?</p> <p>21 MR. HARRIS: That is.</p> <p>22 THE WITNESS: It would depend</p> <p>23 on what happened as an outcome of the</p> <p>24 police interaction.</p>	<p style="text-align: right;">71</p> <p>1 for longer than this incident, but</p> <p>2 certainly, I have not gotten off of</p> <p>3 it based on continued, something like</p> <p>4 this event happening, yes.</p> <p>5 BY MR. HARRIS:</p> <p>6 Q. Okay. So when did you first begin</p> <p>7 taking Lexapro for your anxiety and</p> <p>8 depression?</p> <p>9 A. During my divorce.</p> <p>10 Q. And when was that for the record?</p> <p>11 A. 15 years ago.</p> <p>12 Q. Okay.</p> <p>13 A. And I was off of it for a while,</p> <p>14 so --</p> <p>15 Q. So you first began taking it 15 years</p> <p>16 ago?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And you said you were off of</p> <p>19 it for a while. How long were you off of it?</p> <p>20 A. Years.</p> <p>21 Q. Can you give us an estimate?</p> <p>22 A. I would be guessing. I was on</p> <p>23 Lexapro for a couple years during and after</p> <p>24 my divorce, and then I was off of it maybe --</p>
<p style="text-align: right;">70</p> <p>1 BY MR. HARRIS:</p> <p>2 Q. What data did you review in terms of</p> <p>3 police contact with that store as a result of</p> <p>4 the incident that took place in April of</p> <p>5 2018?</p> <p>6 A. I don't recall. I'm sorry, I don't</p> <p>7 recall what information I reviewed.</p> <p>8 Q. Now, ma'am, as I understand it, you</p> <p>9 are -- strike that.</p> <p>10 In your interrogatory responses, you</p> <p>11 indicated that you had been taking or been</p> <p>12 prescribed Lexapro for depression and anxiety</p> <p>13 as a result of the incident where you were</p> <p>14 separated from the organization. Is that</p> <p>15 accurate?</p> <p>16 MS. OELTJEN: Objection. Can</p> <p>17 we mark from here forward as</p> <p>18 "confidential"? And I'll let you</p> <p>19 know when we're done.</p> <p>20 MR. HARRIS: Sure, absolutely.</p> <p>21 MS. OELTJEN: Thank you.</p> <p>22 THE WITNESS: I've been -- I am</p> <p>23 on Lexapro for anxiety and</p> <p>24 depression. I have been on Lexapro</p>	<p style="text-align: right;">72</p> <p>1 I don't remember how many years, honestly. I</p> <p>2 don't recall. I'm sorry.</p> <p>3 Q. All right. And who prescribed you</p> <p>4 Lexapro most recently?</p> <p>5 A. My family doctor, Dr. Seretis.</p> <p>6 Q. All right. And so if I understand it</p> <p>7 accurately, you began, you first began taking</p> <p>8 Lexapro for anxiety and depression as a</p> <p>9 result of your divorce?</p> <p>10 A. That's correct.</p> <p>11 Q. Then there was a window where you did</p> <p>12 not take it, yes?</p> <p>13 A. That's correct.</p> <p>14 Q. And then you began taking it again.</p> <p>15 When was the first time you began taking it</p> <p>16 again?</p> <p>17 A. I would be guessing on the date, but</p> <p>18 it was during I remember when Victor Hughes</p> <p>19 was my boss. So it was prior to Camille.</p> <p>20 Q. Approximately what year was that,</p> <p>21 ma'am?</p> <p>22 A. Maybe 2014. I'm guessing.</p> <p>23 Q. All right. And so you continued to</p> <p>24 take it in 2014 through up until now?</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 A. Yes, that's correct.</p> <p>2 Q. Okay.</p> <p>3 MR. HARRIS: And for the</p> <p>4 record, that was P-2, meaning Dr.</p> <p>5 Flemke's medical records.</p> <p>6 MS. OELTJEN: So we will</p> <p>7 designate the medical records as</p> <p>8 "confidential" as well they're</p> <p>9 stamped that way.</p> <p>10 MR. HARRIS: Yes.</p> <p>11 MS. OELTJEN: And then, Rich,</p> <p>12 if you're done with that line, I can</p> <p>13 remove the "confidential" designation</p> <p>14 on your next question.</p> <p>15 MR. HARRIS: I am done.</p> <p>16 MS. OELTJEN: Okay. So that</p> <p>17 concludes the "confidential" portion</p> <p>18 of that testimony.</p> <p>19 MR. HARRIS: May the witness be</p> <p>20 shown, in our document exhibit list,</p> <p>21 Rick, Exhibit Number 2, Plaintiff's</p> <p>22 Responses to Defendant's Request for</p> <p>23 Admissions. Could you highlight that</p> <p>24 for us, Rick? Thank you.</p>	<p style="text-align: right;">75</p> <p>1 A. Okay. Okay.</p> <p>2 Q. --</p> <p>3 A. I'm sorry, you're breaking up. I'm</p> <p>4 not hearing you. I'm sorry, I didn't hear</p> <p>5 you.</p> <p>6 Q. Let me see for a second.</p> <p>7 A. Can you hear me?</p> <p>8 MS. OELTJEN: I can hear you,</p> <p>9 Shannon.</p> <p>10 MR. HARRIS: I can hear you</p> <p>11 now.</p> <p>12 MS. OELTJEN: You had a yellow</p> <p>13 triangle with an exclamation point</p> <p>14 next to it.</p> <p>15 MR. HARRIS: Let's see if our</p> <p>16 connection is a little bit better</p> <p>17 now.</p> <p>18 THE WITNESS: I can --</p> <p>19 BY MR. HARRIS:</p> <p>20 Q. Can you hear me now, Ms. Phillips?</p> <p>21 A. I can.</p> <p>22 Q. Okay. Showing you what's been marked</p> <p>23 as P-3, the questions that were posed and the</p> <p>24 Request for Admission --</p>
<p style="text-align: right;">74</p> <p>1 - - -</p> <p>2 (P-3 marked for identification.)</p> <p>3 - - -</p> <p>4 BY MR. HARRIS:</p> <p>5 Q. Ms. Phillips, did you have a chance</p> <p>6 to review or skim through this document as</p> <p>7 well as you testified this morning?</p> <p>8 A. I don't think so.</p> <p>9 Q. Review page 1, and after you finished</p> <p>10 reviewing page 1, we'll go to the next page.</p> <p>11 And after you finish reviewing the entire</p> <p>12 document, I'll ask you questions.</p> <p>13 A. Okay. Do you want me to just read it</p> <p>14 to myself?</p> <p>15 Q. Yes, read it to yourself. And then</p> <p>16 after you finished reviewing each document,</p> <p>17 let us know, and then Rick will go to the</p> <p>18 next page.</p> <p>19 A. Okay. Okay.</p> <p>20 Q. All right. Let's go to page 2.</p> <p>21 A. Okay. Okay.</p> <p>22 Q. All right. Go to the next page.</p> <p>23 A. Okay.</p> <p>24 Q. Go to the next page.</p>	<p style="text-align: right;">76</p> <p>1 A. I'm sorry, you're cutting out. I'm</p> <p>2 not able to hear you.</p> <p>3 MS. OELTJEN: And I see the</p> <p>4 court reporter shaking her head too,</p> <p>5 Rich. I think everyone is having</p> <p>6 trouble.</p> <p>7 THE VIDEOGRAPHER: Do you want</p> <p>8 to go off the record?</p> <p>9 MS. OELTJEN: Yes, why don't we</p> <p>10 go off the record since we lost</p> <p>11 Mr. Harris.</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 11:29 a.m. Going off the record.</p> <p>14 - - -</p> <p>15 (Off the videotape record.)</p> <p>16 - - -</p> <p>17 THE VIDEOGRAPHER: All right.</p> <p>18 The time is 11:30. Back on the</p> <p>19 record.</p> <p>20 BY MR. HARRIS:</p> <p>21 Q. Ms. Phillips, prior to us going off</p> <p>22 the record, I showed you a document known as</p> <p>23 the Request for, Responses to Defendant's</p> <p>24 First Set of Requests for Admissions. That's</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 been marked as P-3. Did you provide the</p> <p>2 answers to those questions posed in that</p> <p>3 document?</p> <p>4 MS. OELTJEN: Objection.</p> <p>5 BY MR. HARRIS:</p> <p>6 Q. You can answer, ma'am.</p> <p>7 MS. OELTJEN: You can answer.</p> <p>8 I'm sorry.</p> <p>9 THE WITNESS: It looked -- the</p> <p>10 questions weren't listed. Only the</p> <p>11 responses. So I'm not sure what the</p> <p>12 questions were.</p> <p>13 BY MR. HARRIS:</p> <p>14 Q. You didn't see the questions in the</p> <p>15 document that was shown on the screen?</p> <p>16 MR. HARRIS: All right, we're</p> <p>17 having technical difficulties again.</p> <p>18 Let me see if I can try to get a</p> <p>19 different connection. Can we go off</p> <p>20 the record?</p> <p>21 THE VIDEOGRAPHER: Going off</p> <p>22 the record, the time is 11:31 a.m.</p> <p>23 - - -</p> <p>24 (A recess occurred.)</p>	<p style="text-align: right;">79</p> <p>1 now, I'm focusing on Question Number 2.</p> <p>2 MS. OELTJEN: Hey, Rich, this</p> <p>3 is an Interrogatory. I thought you</p> <p>4 wanted Admissions.</p> <p>5 MR. HARRIS: I do. This is the</p> <p>6 wrong question? Okay, this is the</p> <p>7 wrong document.</p> <p>8 MS. OELTJEN: I think these</p> <p>9 are, this is the wrong document.</p> <p>10 These look like Rogs to me.</p> <p>11 MR. HARRIS: They are. All</p> <p>12 right, let's go to Request for</p> <p>13 Admission, it should be, Rick, it</p> <p>14 should be, on our exhibit list, it</p> <p>15 should be Exhibit Number 2, but we're</p> <p>16 going to mark it for the record P-3.</p> <p>17 And the document, the title of</p> <p>18 the document is Plaintiff's Responses</p> <p>19 to Defendant's First Set of Request</p> <p>20 for Admission. That's it. All</p> <p>21 right. Perfect.</p> <p>22 Now, let's go to Question</p> <p>23 Number 2 on this document. No, keep</p> <p>24 going. There you go.</p>
<p style="text-align: right;">78</p> <p>1 - - -</p> <p>2 MR. HARRIS: Rick, would you be</p> <p>3 so kind as to put on the screen for</p> <p>4 us Exhibit, Plaintiff's Exhibit</p> <p>5 Number 3, which was Plaintiff's</p> <p>6 Responses to Defendant's First Set of</p> <p>7 Request for Admissions. And now if</p> <p>8 you can please turn to the Request</p> <p>9 for Admission Number 2?</p> <p>10 THE VIDEOGRAPHER: Is that the</p> <p>11 Roman Numeral II there?</p> <p>12 MR. HARRIS: No, it should be</p> <p>13 Question Number 2. No, not that.</p> <p>14 Actually, it will be one of the</p> <p>15 questions that are asked. So that's</p> <p>16 Question Number 1 and then Question</p> <p>17 Number 2, yes. Can you highlight</p> <p>18 Question Number 2? And then we'll go</p> <p>19 to the subsequent answer that</p> <p>20 Ms. Phillips read.</p> <p>21 BY MR. HARRIS:</p> <p>22 Q. All right. Ms. Phillips, we're going</p> <p>23 to try to ask, I'm going to try to show you</p> <p>24 the questions and then the answers, but right</p>	<p style="text-align: right;">80</p> <p>1 BY MR. HARRIS:</p> <p>2 Q. All right. Ms. Phillips, this</p> <p>3 document has now been marked as P-3 for</p> <p>4 Plaintiff Exhibit Number 3. It is actually</p> <p>5 titled Plaintiff's Responses to Defendant's</p> <p>6 First Set of Request for Admission. First,</p> <p>7 I'll read the question, and then you can</p> <p>8 provide the answer. "During your employment</p> <p>9 at Starbucks, you never complained to Partner</p> <p>10 Resources or anyone above you in Starbucks</p> <p>11 hierarchy that you believed you were being</p> <p>12 discriminated against because of your race".</p> <p>13 Is that accurate, Ms. Phillips, you</p> <p>14 did not complain to anyone within Starbucks</p> <p>15 organization that you were being</p> <p>16 discriminated against based on your race?</p> <p>17 A. Did you want to put my answer up</p> <p>18 there?</p> <p>19 Q. Yes, and you can read that to</p> <p>20 yourself.</p> <p>21 A. Okay.</p> <p>22 Q. All right. And so the answer that's</p> <p>23 provided as the response, is that the</p> <p>24 response that you provided in response to</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 this question that was posed to you?</p> <p>2 MS. OELTJEN: Objection. Can</p> <p>3 you ask it a different way, Rich, so</p> <p>4 that you're not getting --</p> <p>5 MR. HARRIS: Yes, that was</p> <p>6 extremely awkward. I'm going to ask</p> <p>7 it, I'll try to ask it differently.</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. So, first, regarding all the Requests</p> <p>10 for Admissions, did you have a chance to</p> <p>11 review and provide answers to the questions</p> <p>12 that were posed to you?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And the answers that are</p> <p>15 provided, those are the answers that you</p> <p>16 provided either through your counsel or</p> <p>17 answers that you provided in response to the</p> <p>18 questions that were posed?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And all of the answers that</p> <p>21 were provided were accurate at the time that</p> <p>22 you wrote them. Were they not?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And so the answer to this</p>	<p style="text-align: right;">83</p> <p>1 Starbucks hierarchy that you believe you were</p> <p>2 being retaliated against because you made a</p> <p>3 prior complaint of race discrimination". Is</p> <p>4 that also accurate? Do you remember this</p> <p>5 question?</p> <p>6 A. I do remember this question. Do you</p> <p>7 want to put the answer up?</p> <p>8 Q. Yes, let's go to the answer.</p> <p>9 "Without waiver of the General Objections and</p> <p>10 subject thereto, Plaintiff Admits that she</p> <p>11 never complained to Partner Resources or</p> <p>12 anyone above her in the Starbucks hierarchy</p> <p>13 on her own behalf that she was being</p> <p>14 retaliated against". Is that also accurate?</p> <p>15 A. That is accurate.</p> <p>16 Q. So you never complained that you were</p> <p>17 being discriminated against based on your</p> <p>18 race while you were an employee. Is that</p> <p>19 fair?</p> <p>20 MS. OELTJEN: Objection. You</p> <p>21 can answer.</p> <p>22 THE WITNESS: Yes, that's fair.</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. And you never complained that you</p>
<p style="text-align: right;">82</p> <p>1 question is you've stated, as I understand</p> <p>2 it, "Admitted that Plaintiff did not complain</p> <p>3 to Partner Resources or her supervisor that</p> <p>4 she believed she was being discriminated</p> <p>5 against because of her race". Is that</p> <p>6 accurate?</p> <p>7 A. That is accurate.</p> <p>8 Q. Okay.</p> <p>9 MR. HARRIS: Can we go to</p> <p>10 number 7, please?</p> <p>11 BY MR. HARRIS:</p> <p>12 Q. Question Number 7 is, "During your</p> <p>13 employment at Starbucks, you never complained</p> <p>14 to Partner Resources or anyone above you in</p> <p>15 the Starbucks hierarchy" -- is that the same</p> <p>16 question I posed? I'm sorry.</p> <p>17 MS. OELTJEN: No.</p> <p>18 MR. HARRIS: Okay.</p> <p>19 MS. OELTJEN: It's a different</p> <p>20 question.</p> <p>21 BY MR. HARRIS:</p> <p>22 Q. All right. "During your employment</p> <p>23 at Starbucks, you never complained to Partner</p> <p>24 Resources or anyone above you in the</p>	<p style="text-align: right;">84</p> <p>1 were being retaliated against based on your</p> <p>2 race while you were an employee as well?</p> <p>3 A. Yes, that's fair.</p> <p>4 MR. HARRIS: Can we go to</p> <p>5 Request for Admission Number 5?</p> <p>6 THE VIDEOGRAPHER: I'm sorry,</p> <p>7 is that the same document?</p> <p>8 MR. HARRIS: It is the same</p> <p>9 document. I'll let you know when I</p> <p>10 change the document.</p> <p>11 Actually, let's go to Number 3,</p> <p>12 Rick, first.</p> <p>13 BY MR. HARRIS:</p> <p>14 Q. "During your employment at Starbucks,</p> <p>15 you never heard, read, or were made aware of</p> <p>16 any comments or statements by Camille Hymes</p> <p>17 that you consider discriminatory toward white</p> <p>18 people".</p> <p>19 Now, Camille Hymes, for the record,</p> <p>20 she was your supervisor. Was she not?</p> <p>21 A. She was.</p> <p>22 Q. Okay. And she's African American?</p> <p>23 A. She is.</p> <p>24 Q. The answer you provided, "Denied.</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 Without waiver of the General Objections and 2 subject thereto", what was your response? 3 A. Are you asking me to read it? 4 Q. Yes, please. 5 A. "Plaintiff believes that many of the 6 comments and statements made by Hymes in 7 connection with Plaintiff's termination are 8 evidence of discrimination and/or retaliation 9 in connection with Plaintiff's termination". 10 Q. Okay. What statements specifically 11 are you referring to? 12 MS. OELTJEN: Objection. You 13 can answer. 14 THE WITNESS: The statements 15 specifically are when I was told to 16 put Ben on a suspension, Ben Trinsey. 17 I asked why we would be putting him 18 on suspension. She shared with me 19 that there had been an allegation of 20 that a black assistant manager had 21 complained that she was making less 22 than her white counterpart who is 23 also an assistant manager, and at 24 that point, Camille said that Ben was</p>	<p style="text-align: right;">87</p> <p>1 about it, I think the company decided 2 to let me go as well. 3 BY MR. HARRIS: 4 Q. So let me understand this what you're 5 saying. What specifically in Ms. Hymes' 6 statements to you regarding Ben Trinsey do 7 you recall, are you asserting were 8 discriminatory? 9 MS. OELTJEN: Objection. You 10 can answer. 11 THE WITNESS: Camille told me 12 to put him on suspension for 13 allegations that he -- that were 14 false, and it was under false 15 pretenses that I was to put him on a 16 suspension. I feel like it was 17 because he was white that he was 18 being suspended. 19 BY MR. HARRIS: 20 Q. Did Ms. Hymes tell you that? 21 A. Did she come out and say "because 22 he's white"? No. 23 Q. Of course. Did she make any 24 statements to infer that he was being</p>
<p style="text-align: right;">86</p> <p>1 going to be placed on suspension 2 because of this allegation. I 3 responded that that was completely 4 false, that Ben had been a partner 5 for 15 years and there had never been 6 any complaint of discrimination, and 7 that the -- what they were referring 8 to in terms of salaries was not 9 something Ben had any control over. 10 So I said, "This is wrong". I 11 did not want to, I didn't want to 12 suspend him. I felt like it was the 13 wrong thing to do. And I believe I 14 said, "This is completely wrong. Ben 15 is not a racist. He volunteers all 16 the time. He's my community lead". 17 And I was told to change my verbiage, 18 not say anything about salaries but 19 to say something like "the volume and 20 seriousness of the allegations", 21 something to that effect. 22 I felt like this was, this was 23 being discriminatory towards Ben. 24 And I think, because I complained</p>	<p style="text-align: right;">88</p> <p>1 suspended because he was white? 2 MS. OELTJEN: Objection. You 3 can answer. 4 THE WITNESS: There was no good 5 reason to put him on suspension. And 6 the one reason that I was given was 7 not true, it was not accurate, and I 8 said that, "this is not right, it's 9 not accurate". 10 BY MR. HARRIS: 11 Q. Now, Ms., as I understand it, 12 Ms. Hymes said or requested that you place 13 Mr. Trinsey on suspension pending the outcome 14 of the investigation? 15 MS. OELTJEN: Objection. 16 THE WITNESS: That's correct. 17 MS. OELTJEN: Objection. You 18 can answer. 19 THE WITNESS: That's correct. 20 BY MR. HARRIS: 21 Q. All right. And then at the 22 conclusion of the investigation, was it 23 determined that the allegations were 24 inaccurate?</p>

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23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 A. I no longer worked there, so I don't 2 know. 3 Q. Okay. So you don't know the outcome 4 of the investigation? 5 A. I do not. 6 Q. So you can't state with any certainty 7 as to whether or not it was accurate that 8 Mr. Trinsey had discriminated against a black 9 assistant store manager? 10 MS. OELTJEN: Objection. You 11 can answer. 12 THE WITNESS: The reason that 13 they were saying -- the complaint was 14 around her salary. Ben did not have 15 any control over her salary. So that 16 would be false to say that he 17 discriminated against an assistant 18 manager based on her salary. That's 19 false. 20 BY MR. HARRIS: 21 Q. All right. And did you subsequently 22 speak to Mr. Trinsey after you left the 23 organization? 24 A. Yes.</p>	<p style="text-align: right;">91</p> <p>1 Q. What is your recollection based on 2 the conversation you had with Mr. Trinsey? 3 A. I believe that Ben Trinsey, through 4 his attorneys, worked out an agreement to 5 leave the organization and not be separated. 6 Q. I understand that. I'm talking about 7 specifically regarding the allegation as it 8 relates to whether or not he had anything to 9 do with setting the pay scale for an African 10 American assistant store manager. 11 MS. OELTJEN: Objection. You 12 can answer. 13 THE WITNESS: I don't know how 14 that allegation turned out because I 15 no longer worked there. 16 BY MR. HARRIS: 17 Q. But you spoke to Mr. Trinsey after 18 you left? 19 A. That's correct. 20 Q. So did he inform you whether or not 21 that allegation was founded or unfounded? 22 MS. OELTJEN: Objection. You 23 can answer. 24 THE WITNESS: I don't recall if</p>
<p style="text-align: right;">90</p> <p>1 Q. All right. Did Mr. Trinsey advise 2 you that he was not terminated as a result of 3 the allegation? 4 MS. OELTJEN: Objection. You 5 can answer. 6 THE WITNESS: Did he advise me 7 that he was not terminated? 8 BY MR. HARRIS: 9 Q. Based on that precise allegation that 10 you just raised. 11 A. He remained on suspension, he said, 12 he told me that he remained on suspension 13 and, in lieu of being separated/terminated, 14 that his attorneys worked out a separation 15 agreement. 16 Q. Okay. Did he ever advise you that he 17 was going to be terminated as a result of 18 that precise allegation? 19 MS. OELTJEN: Objection. You 20 can answer. 21 THE WITNESS: I don't know. I 22 don't think -- I'm not sure, 23 honestly. 24 BY MR. HARRIS:</p>	<p style="text-align: right;">92</p> <p>1 he -- I don't know if he ever 2 received information about the 3 outcome of an investigation. If he 4 did, I don't remember him sharing it 5 with me. 6 BY MR. HARRIS: 7 Q. Wasn't that the reason, I think as I 8 understand it, the reason why he was placed 9 on suspension and you were the person who 10 advised him of that? 11 A. Yes. 12 Q. And he never informed you whether or 13 not the allegation was founded or unfounded? 14 A. As a part of the investigation how it 15 turned out? Is that what you're asking? 16 Q. Yes, that's what I'm asking. 17 A. I no longer worked there. I don't 18 know how the investigation turned out, I'm 19 sorry, and if he ended up finding out, I 20 don't recall him sharing it with me. 21 Q. You spoke to him after you left the 22 organization. Did you not, Ms. Phillips? 23 MS. OELTJEN: Objection. 24 BY MR. HARRIS:</p>

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24 (Pages 93 to 96)

<p style="text-align: right;">93</p> <p>1 Q. And you spoke to him on several 2 occasions. Did you not? 3 A. Yes. 4 Q. Okay. How often did you speak to him 5 after you left? 6 A. We kind of bonded since we both were 7 let go within a day of each other. So we 8 talked quite a bit after -- 9 Q. Right. 10 A. -- about our kids and what we were 11 going through, the loss of -- yes, we talked 12 a lot. 13 Q. All right. In any of those 14 conversations that you had with Mr. Trinsey, 15 did he ever inform you that the reason why he 16 was separated was because of the allegation 17 related to the disparate treatment between an 18 African American assistant manager regarding 19 the pay rate? 20 MS. OELTJEN: Objection. You 21 can answer. 22 THE WITNESS: I don't know if 23 he ever had conversation about the 24 outcome of the investigation. I</p>	<p style="text-align: right;">95</p> <p>1 assistant manager that we're referring to, 2 the African American assistant manager. 3 A. Yes. 4 Q. Did she ever raise those allegations 5 to you? 6 A. No. 7 Q. Did you ever ask her about those 8 allegations regarding Ben Trinsey? 9 A. I found out about those allegations 10 the day before I was let go. I didn't have 11 any conversation with her from the point that 12 I found out about that allegation until I was 13 let go. 14 Q. Okay. Did you speak to anyone other 15 than Ms. Hymes about those allegations? 16 A. In that meeting, Camille was there, 17 Nathalie Cioffi was there and Paul Pinto was 18 there. And then subsequently that night, I 19 went home and I called my Partner Resource 20 Manager, Ebony Johnson was her name, and I 21 talked with her about it as well. 22 Q. Okay. Now, do you recall either -- 23 strike that. 24 What day did you have a conversation</p>
<p style="text-align: right;">94</p> <p>1 believe everything went through his 2 attorney working out a separation 3 agreement in lieu of him being 4 separated. So I don't know what 5 those conversations were. I don't, I 6 don't know, I'm sorry. 7 BY MR. HARRIS: 8 Q. Okay. So it is your hypothesis that 9 he was being terminated because of his race 10 but not because of any information you had 11 directly? 12 MS. OELTJEN: Objection. 13 BY MR. HARRIS: 14 Q. You can answer, ma'am. 15 A. I put Ben on a suspension. I didn't 16 do the termination. I put Ben on a 17 suspension based on allegations that I know 18 were false. 19 Q. Did you ever speak to the assistant 20 store manager that made the allegation? 21 A. Prior to or after? 22 Q. At any point -- 23 A. Of course. 24 Q. -- prior to the assistant, that</p>	<p style="text-align: right;">96</p> <p>1 with Ms. Ebony Johnson? 2 A. I don't have my notes in front of me. 3 It was the day before I was -- I had a 4 conversation with Camille, Paul and Nathalie 5 in Camille's hotel lobby. Then that's where 6 I was shared the information about Ben. 7 That night I went home and I had a 8 conversation over the phone with Ebony 9 Johnson. The next morning is when I met Ben, 10 and Nathalie joined us for that, where I 11 placed him on suspension. It might have been 12 May 7th, but I'm not 100 percent sure without 13 looking at my notes. 14 Q. Okay. 15 MR. HARRIS: May the witness be 16 shown Request for Admission Number 9. 17 BY MR. HARRIS: 18 Q. Do you remember this question, 19 "During your employment at Starbucks, you did 20 not tell Camille Hymes that you believed 21 Mr. Trinsey was being falsely accused of 22 racial bias because he was white"? And your 23 answer? Is that an accurate statement what's 24 been shown as your response to Number 9?</p>

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25 (Pages 97 to 100)

<p style="text-align: right;">97</p> <p>1 A. One second. "That in 2 describing/objecting to Defendant's racially 3 motivated treatment/suspension that she did 4 not use the words "because he is white", 5 that's accurate. 6 Q. So you never said that the reason why 7 Mr. Trinsey was being placed on suspension 8 was because he was white? 9 A. I didn't use the words "because he is 10 white". 11 Q. So you never complained to Ms. Hymes 12 that he was being treated, in your 13 estimation, treated differently because of 14 his race? 15 MS. OELTJEN: Objection. You 16 can answer. 17 THE WITNESS: I complained I 18 felt like he was being -- I 19 complained. I didn't use the words 20 "because he is white". 21 BY MR. HARRIS: 22 Q. And why not? 23 A. Just not the verbiage I chose to use. 24 My complaint was, "This is wrong. Ben</p>	<p style="text-align: right;">99</p> <p>1 salaries of assistant managers. This is not 2 something he had any input to", so to place 3 him on a suspension for something he had no 4 control over I said was wrong. I felt like 5 it was wrong, and I stand by that. 6 Q. Did you speak to anyone in the 7 organization other than Ms. Hymes about the 8 allegations that you're raising in this 9 lawsuit that Ben Trinsey was treated 10 differently because of his race? 11 MS. OELTJEN: Objection. You 12 can answer. 13 THE WITNESS: The conversation 14 that Camille and I had was also -- as 15 I said, Nathalie Cioffi was there and 16 Paul Pinto were there. And then a 17 subsequent conversation I had with 18 Ebony Johnson I raised the same 19 complaint, I said, "What we're doing 20 is wrong, placing him on suspension 21 for an allegation of racial disparity 22 that he had no control over, 23 someone's salary. This is the wrong 24 thing to do, and I wholeheartedly</p>
<p style="text-align: right;">98</p> <p>1 Trinsey is not racist. He's worked here for 2 15 years and there's never been any claim of 3 racism by any partner that I'm aware of, and 4 the allegations that you're telling me are 5 something he had nothing to do with. So 6 there's -- this is not right. This is unfair 7 what you're asking me to do with Ben 8 Trinsey". 9 Q. But you never used the term "race" or 10 suggested that he was being treated 11 differently because of his race? 12 MS. OELTJEN: Objection. You 13 can answer. 14 THE WITNESS: I don't recall 15 saying I think he's being treated 16 unfairly because of his race. I 17 don't know if that was the verbiage I 18 used. 19 BY MR. HARRIS: 20 Q. So you don't know. Do you recall the 21 verbiage that you used? 22 A. I know that I said, "This is wrong. 23 Ben Trinsey is not racist. These allegations 24 are false. He had nothing to do with</p>	<p style="text-align: right;">100</p> <p>1 disagree with this course of action". 2 I don't know the exact verbiage 3 I used, but that was the sentiment. 4 BY MR. HARRIS: 5 Q. Okay. Given that sentiment, do you 6 recall using race, bringing up race at all in 7 your discussions with any of the folks you 8 just mentioned? 9 MS. OELTJEN: Objection. You 10 can answer. 11 THE WITNESS: I'm not sure. I 12 can't answer. 13 BY MR. HARRIS: 14 Q. Well, this was a particularly 15 racially-charged moment in the history of 16 your employment with Starbucks. Was it not? 17 MS. OELTJEN: Objection. 18 BY MR. HARRIS: 19 Q. You can answer. 20 A. Yes, it was. 21 Q. All right. So, given the racial 22 complexities of the issues that were 23 happening, why didn't you use the word 24 "race"?</p>

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26 (Pages 101 to 104)

<p style="text-align: right;">101</p> <p>1 MS. OELTJEN: Objection. You</p> <p>2 can answer.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 I'm not sure.</p> <p>5 BY MR. HARRIS:</p> <p>6 Q. Didn't Ms. Hymes talk to you about</p> <p>7 leadership within the organization and what</p> <p>8 leadership would look like --</p> <p>9 MS. OELTJEN: Objection. You</p> <p>10 can answer.</p> <p>11 BY MR. HARRIS:</p> <p>12 Q. -- during this time period between</p> <p>13 April of 2018 and May of 2018?</p> <p>14 A. We had lots of conversations about</p> <p>15 the leadership that was current and what it</p> <p>16 needed to look like going forward at the</p> <p>17 store level, at the DM level. Yes, we had</p> <p>18 lots of conversations.</p> <p>19 Q. Did she also inform you that what she</p> <p>20 wanted out of the leaders within that region,</p> <p>21 she wanted transparency and accountability?</p> <p>22 Did she not?</p> <p>23 MS. OELTJEN: Objection.</p> <p>24 THE WITNESS: Did she say, "I</p>	<p style="text-align: right;">103</p> <p>1 can answer.</p> <p>2 THE WITNESS: I would not</p> <p>3 always agree with that, no.</p> <p>4 BY MR. HARRIS:</p> <p>5 Q. What don't you agree with?</p> <p>6 A. I don't believe that she was always</p> <p>7 transparent. I don't believe that she was.</p> <p>8 I'm sorry.</p> <p>9 Q. In what ways was she not transparent</p> <p>10 with you?</p> <p>11 A. Not necessarily with me. She and I</p> <p>12 had a conversation where I remember her</p> <p>13 specifically saying, "We need to get our</p> <p>14 stories aligned", and that did not seem like,</p> <p>15 it did not seem like a transparent</p> <p>16 conversation. It seemed like, "Let's get our</p> <p>17 stories straight for the folks, the</p> <p>18 higher-ups that were coming in the next day",</p> <p>19 for example.</p> <p>20 Q. The stories aligned as it relates to</p> <p>21 what?</p> <p>22 A. What had happened.</p> <p>23 Q. When?</p> <p>24 A. That specific conversation was about</p>
<p style="text-align: right;">102</p> <p>1 want transparency and</p> <p>2 accountability"?</p> <p>3 BY MR. HARRIS:</p> <p>4 Q. Yes. Did she say that?</p> <p>5 A. I don't remember. I don't recall at</p> <p>6 this time. I'm sorry.</p> <p>7 Q. Was that --</p> <p>8 A. She may have.</p> <p>9 Q. Would that have been the impression</p> <p>10 that you got from her conversations regarding</p> <p>11 the leadership style or leadership skills</p> <p>12 that she wanted people to exude?</p> <p>13 MS. OELTJEN: I'm sorry, Rich,</p> <p>14 you cut out at the end. I didn't</p> <p>15 hear you after "people to" --</p> <p>16 MR. HARRIS: Sure.</p> <p>17 BY MR. HARRIS:</p> <p>18 Q. Would that have been the impression</p> <p>19 that you received from Ms. Hymes regarding</p> <p>20 the kinds of skill sets that she or</p> <p>21 characteristics of the leaders within her</p> <p>22 region, she wanted them to be transparent and</p> <p>23 accountable?</p> <p>24 MS. OELTJEN: Objection. You</p>	<p style="text-align: right;">104</p> <p>1 a roundtable that some partners had sat in on</p> <p>2 virtually specifically about a partner named</p> <p>3 Charlie.</p> <p>4 Q. What about that?</p> <p>5 A. Charlie had come to the conversation.</p> <p>6 Camille had invited him because she had met</p> <p>7 him at a Black Partner Network event. She</p> <p>8 had invited him to this virtual roundtable,</p> <p>9 and he did not represent well. He was</p> <p>10 disrespectful to senior leaders, and she was</p> <p>11 very upset about it. And the next day</p> <p>12 everybody was coming back to the city, her</p> <p>13 boss Zeta, Zeta's boss Rossann, and I recall</p> <p>14 having the conversation where she said, "We</p> <p>15 need to get our stories aligned".</p> <p>16 There was another conversation where</p> <p>17 she said, "It's bad, Shannon. It's really,</p> <p>18 really bad. We're all on the line here". So</p> <p>19 I did not always feel like she was</p> <p>20 transparent, no, I'm sorry.</p> <p>21 Q. Where did she fall short there? As I</p> <p>22 understand it, you said someone else's</p> <p>23 performance in the meeting wasn't up to par.</p> <p>24 How did that impact Camille?</p>

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27 (Pages 105 to 108)

<p style="text-align: right;">105</p> <p>1 MS. OELTJEN: Objection. You</p> <p>2 can answer.</p> <p>3 THE WITNESS: Well, because he</p> <p>4 was representing all of us. He was</p> <p>5 representing the Philadelphia market,</p> <p>6 and she was a part of that.</p> <p>7 And so I believe she felt like</p> <p>8 it made her look bad. And she had</p> <p>9 specifically invited him, so I'm sure</p> <p>10 she was embarrassed and it wasn't a</p> <p>11 good look.</p> <p>12 BY MR. HARRIS:</p> <p>13 Q. Understood. But how was that</p> <p>14 impacting you? How did she want you to align</p> <p>15 with her story?</p> <p>16 MS. OELTJEN: Objection. You</p> <p>17 can answer.</p> <p>18 THE WITNESS: I don't know.</p> <p>19 When she said "we need to get our</p> <p>20 stories aligned", I recall</p> <p>21 responding, "The story is the truth,</p> <p>22 and that's what I would portray".</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. That's what you said to her?</p>	<p style="text-align: right;">107</p> <p>1 (P-4 marked for identification.)</p> <p>2 - - -</p> <p>3 BY MR. HARRIS:</p> <p>4 Q. Ma'am, do you remember preparing with</p> <p>5 the assistance of counsel an Administrative</p> <p>6 Charge with the EEOC, the Equal Employment</p> <p>7 Opportunity Commission? Do you recall doing</p> <p>8 that?</p> <p>9 A. I know that I did. I recall doing</p> <p>10 it. I don't necessarily remember when, but</p> <p>11 yes, I recall it.</p> <p>12 Q. Okay. As part of that Charge of</p> <p>13 Discrimination, do you remember the factual</p> <p>14 allegations that you raised in your EEOC</p> <p>15 Charge?</p> <p>16 MS. OELTJEN: Objection. You</p> <p>17 can answer.</p> <p>18 THE WITNESS: I believe the</p> <p>19 allegations were that I was</p> <p>20 terminated based on my race and I was</p> <p>21 retaliated for complaining that</p> <p>22 someone else was being targeted</p> <p>23 because of his race.</p> <p>24 BY MR. HARRIS:</p>
<p style="text-align: right;">106</p> <p>1 A. That is what I said to her.</p> <p>2 Q. Okay. And do you remember</p> <p>3 approximately when that was?</p> <p>4 A. I took notes. So, if you want me to</p> <p>5 refer to my notes, I can, but I can't tell</p> <p>6 you off the top of my head.</p> <p>7 Q. Approximately what year?</p> <p>8 A. What year?</p> <p>9 Q. Yes.</p> <p>10 A. 2018.</p> <p>11 Q. Okay. What month?</p> <p>12 A. It would have been late April or the</p> <p>13 beginning of May.</p> <p>14 Q. Okay, late April or beginning of May.</p> <p>15 So that would have been before the incident</p> <p>16 where the two men were arrested or after?</p> <p>17 A. After.</p> <p>18 Q. Okay.</p> <p>19 MR. HARRIS: May the witness be</p> <p>20 shown, Rick, on our list, Number 5,</p> <p>21 the Phillips EEOC Charge, please.</p> <p>22 And if I'm counting accurately, we'll</p> <p>23 mark this as P-4.</p> <p>24 - - -</p>	<p style="text-align: right;">108</p> <p>1 Q. Okay. Do you remember reviewing this</p> <p>2 document to verify its accuracy?</p> <p>3 A. I don't remember reviewing it, but</p> <p>4 I'm sure that I did.</p> <p>5 Q. All right. And I believe, if you</p> <p>6 look at the bottom of this page, it has a</p> <p>7 date May 22, 2018 and it has your signature?</p> <p>8 A. That's correct.</p> <p>9 Q. All right. And the signature</p> <p>10 verified that the statements made within this</p> <p>11 document are accurate to the best of your</p> <p>12 ability?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you recall --</p> <p>15 MR. HARRIS: Now, let's go to</p> <p>16 the second page of this document,</p> <p>17 excuse me.</p> <p>18 BY MR. HARRIS:</p> <p>19 Q. First off, I'll allow you to read</p> <p>20 this first page.</p> <p>21 MR. HARRIS: Go back, Rick.</p> <p>22 BY MR. HARRIS:</p> <p>23 Q. And under the factual setting of that</p> <p>24 document, please read that to yourself, and</p>

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28 (Pages 109 to 112)

<p style="text-align: right;">109</p> <p>1 after you finished reading, let me know. 2 A. Where it says "The Particulars Are"? 3 Q. Yes. 4 A. Thank you. Okay. 5 Q. All right. The second paragraph 6 says, "Respondents terminated my employment 7 because of my race and because I had 8 complained of race discrimination". Do you 9 remember stating that? 10 MS. OELTJEN: Objection. You 11 can answer. 12 THE WITNESS: Yes. 13 BY MR. HARRIS: 14 Q. Okay. Now, a few moments ago you 15 agree with me you stated in the Request for 16 Admission responses that you actually never 17 complained to anyone within the organization 18 that you were being treated differently 19 because of your race? 20 MS. OELTJEN: Objection. You 21 can answer. 22 THE WITNESS: I never 23 complained that I was being -- I'm 24 sorry, say it one more time?</p>	<p style="text-align: right;">111</p> <p>1 evidence of that? Is that the 2 question? 3 BY MR. HARRIS: 4 Q. That is the question. 5 A. So I was a very strong performer. 6 The month prior, my boss had given me a 7 \$40,000 bonus and said, "It's a great year to 8 be Shannon Phillips". 9 So it wasn't performance related. 10 The only thing that changed was this 11 incident, and then I was subsequently let go. 12 Q. Did Ms. Hymes inform you -- strike 13 that. 14 The incident happens, then you were 15 let go. Is that what happened? So I 16 understand the chronology. The incident 17 April 2018 occurs. Then you were let go soon 18 thereafter. 19 A. In terms of relevant work history, 20 because that's what this site is, I had a 21 very long record of strong performance. 22 After this incident happened, within a month 23 I was let go. 24 So yes, I believe I was let go</p>
<p style="text-align: right;">110</p> <p>1 BY MR. HARRIS: 2 Q. Yes. You agree with me in your 3 Request for Admission responses you indicated 4 specifically that you never complained to 5 anyone within Starbucks that you were being 6 treated differently because of your race? 7 MS. OELTJEN: Same objection. 8 You can answer, Shannon. 9 THE WITNESS: I was terminated 10 because of my race. I did not 11 complain to anyone prior to that. 12 BY MR. HARRIS: 13 Q. That's your supposition, correct? 14 That's your supposition that you were being 15 treated differently because of your race? 16 MS. OELTJEN: Objection. You 17 can answer. 18 THE WITNESS: Yes. 19 BY MR. HARRIS: 20 Q. And you have no evidence of that, 21 correct? 22 MS. OELTJEN: Objection. You 23 can answer. 24 THE WITNESS: I have no</p>	<p style="text-align: right;">112</p> <p>1 because this incident happened because of the 2 unfortunate aftermath that caused Starbucks a 3 lot of bad publicity and because specifically 4 because I was white. 5 Q. But more than you were let go, if I 6 understand it correctly, after this incident, 7 you weren't the only person that was 8 terminated, correct? 9 A. The other person that was terminated 10 was Holly, the store manager, who is also 11 white. And subsequently, Ben Trinsey 12 arranged a separation agreement in lieu of 13 being separated, and he was white. 14 Q. Paul Sykes was also separated as 15 well. Was he not? 16 MS. OELTJEN: Objection. 17 THE WITNESS: That's incorrect. 18 MS. OELTJEN: You can answer. 19 THE WITNESS: That's incorrect. 20 Paul was there, and Paul left on his 21 own. He did not get separated. 22 BY MR. HARRIS: 23 Q. But Ben Trinsey left on his own as 24 well? He resigned?</p>

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29 (Pages 113 to 116)

<p style="text-align: right;">113</p> <p>1 A. His attorneys worked out an agreement 2 in lieu of him being separated. I believe he 3 was going to be separated. That's what his 4 attorneys believed, so they worked out an 5 agreement. 6 Q. Do you know if that's the case for 7 Paul Sykes as well? 8 A. That is not the case for Paul Sykes. 9 Paul -- 10 Q. You know that how? 11 A. I remained in contact with Paul. 12 Paul requested a transfer to New York City 13 because he wanted to move there and 14 cohabitate with his boyfriend. His lease was 15 up. And the company did not allow him to 16 transfer, so he put in his notice and 17 resigned and moved to New York and took a job 18 with Apple. 19 Q. Do you recall whether or not anyone 20 else was terminated as a result of the 21 incident, the incident as it related to the 22 April 2018 issue where the two gentlemen were 23 arrested? 24 A. Holly the store manager, me, and Ben.</p>	<p style="text-align: right;">115</p> <p>1 about the termination decision of Ms. Hylton. 2 Do you think that the termination should have 3 occurred for Ms. Hylton? 4 A. I'm the type of person that wants to 5 stand behind people. So, if we teach you a 6 policy and then you follow the policy that 7 the company rolled out, I do not necessarily 8 feel like you should be held responsible for 9 following the policy that the company told 10 you to follow. 11 So I don't know that that would have 12 been my decision had I been involved in it. 13 So no. 14 Q. I'm not following you. Do you agree 15 with the termination decision or not? I 16 understand your reservations regarding the 17 application of the policy. But the question 18 is whether or not you agree with the decision 19 as to whether or not Ms. Hylton should have 20 been terminated? 21 MS. OELTJEN: Objection. You 22 can answer. 23 THE WITNESS: I would have 24 wanted to have more conversation with</p>
<p style="text-align: right;">114</p> <p>1 Q. And that's it? 2 A. That I'm aware of at least while I 3 was there. 4 Q. Do you think that Holly should have 5 been terminated? Do you agree with that 6 termination? 7 A. I think -- it wasn't my decision to 8 terminate her. I think that she followed a 9 flawed policy that Starbucks instituted that 10 caused an incident that should never have 11 happened. Should that have cost her her job? 12 It wasn't my decision. I didn't have a say 13 in it. 14 Q. I understand it wasn't your decision. 15 Do you agree with it? You were the leader of 16 that region. Do you agree with the 17 termination decision? 18 A. I would have liked to have seen 19 Starbucks take ownership of their own policy 20 and not hold it against someone for following 21 it. So I think it was a flawed policy. I 22 think that's why they no longer have it. 23 Q. I understand what you're saying about 24 the policy, but I'm asking you specifically</p>	<p style="text-align: right;">116</p> <p>1 Holly to understand. It happened 2 very quickly, within just a couple 3 days. So I don't feel like I had 4 enough information. 5 When I make a decision to let 6 someone go, I know that I'm changing 7 their life, and I would have wanted 8 to do more due diligence, to 9 understand better her thought process 10 what was happening, review more 11 information before I would have made 12 that decision. 13 BY MR. HARRIS: 14 Q. What information would you have 15 needed to make to review? 16 A. I would have wanted to have a 17 conversation with Holly about what was going 18 on in her mind; what else was happening in 19 the café; what other customers, the 20 interaction was; what kind of situation 21 caused her to make this decision to call the 22 police. I did not want to jump to a 23 conclusion. 24 Q. I thought you spoke to her.</p>

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30 (Pages 117 to 120)

<p style="text-align: right;">117</p> <p>1 MS. OELTJEN: Rich, can you let 2 her finish her answer, please? 3 MR. HARRIS: Yes, sure. 4 BY MR. HARRIS: 5 Q. I'm sorry, Ms. Phillips, for 6 interrupting. Go ahead. 7 A. Okay. I would have wanted to review 8 the security tape myself and not just take 9 what she told me as, you know, the word 10 handed down. I like to try to review all the 11 facts. I would have wanted to talk to the 12 other partners that were working the night it 13 happened to understand their take and what 14 their perceptions and what they saw and heard 15 was. Unfortunately, I didn't get to do that. 16 So I wouldn't make a decision to 17 terminate somebody and change their life 18 without having what I feel are all the 19 relevant facts and details. 20 Q. My understanding, when you first 21 began your testimony this morning, you 22 testified that you spoke to Ms. Hylton after 23 the incident, the day after? 24 A. That's correct.</p>	<p style="text-align: right;">119</p> <p>1 appropriate person to lead that store moving 2 forward? 3 A. The day after it happened when we 4 went to her store, I'm trying to remember, we 5 may have moved her out of that store that 6 day. I just don't remember exactly how 7 quickly things started to happen, but -- 8 actually, I think she was on a conference 9 call is where she shared the information. 10 Q. Did you ever ask her what was on her 11 mind? 12 A. I may have. I might have. It's, I'm 13 sorry, it's been almost three years. I don't 14 remember. 15 Q. One of the things that you just 16 testified to was that in order for you to 17 make a decision, such as terminating someone, 18 you would have liked to have known what they 19 would have been thinking to make the decision 20 that led to their termination? 21 A. That's correct. 22 Q. Is that a fair, accurate statement? 23 Okay. 24 As a result of doing that, you had a</p>
<p style="text-align: right;">118</p> <p>1 Q. Did you not find out what was on her 2 mind, what drove her decision-making? 3 A. In that conversation, it was merely 4 gathering the facts of what happened, not 5 what led up to it or what was on her mind or 6 anything else happening. It was merely the 7 facts. Because I needed to send in a recap 8 of the incident to my boss and as well as a 9 lot of other people in the company. 10 So my conversation with Holly was 11 really, you know, "what time did this occur". 12 It was the basic facts of what happened. I 13 didn't watch the video. I didn't see any of 14 it for myself. It was just giving the facts 15 from her as she saw it to relay up in a 16 recap. I hope that makes sense. 17 Q. How long were you at the store the 18 day afterward? 19 A. I don't recall. 20 Q. Were you there a few hours? 21 A. I'm sure I was. 22 Q. Okay. During the few hours that you 23 were there, what information did you gather 24 in terms of whether or not she was the</p>	<p style="text-align: right;">120</p> <p>1 conversation with Ms. Hylton right after the 2 incident, and you can't tell us what she was 3 thinking of or about that led her decision to 4 call the police? 5 MS. OELTJEN: Objection. You 6 can answer. 7 THE WITNESS: To the best of my 8 ability, I remember Holly saying they 9 were not customers and she asked them 10 to become customers to purchase 11 something, and they told her that 12 they weren't going to be purchasing 13 anything. 14 So she asked them to, you know, 15 to please move along, that the cafés 16 are for customers only, and they 17 refused to leave. So she called the 18 police. 19 BY MR. HARRIS: 20 Q. And you didn't find anything wrong 21 with that -- 22 MS. OELTJEN: Objection. 23 BY MR. HARRIS: 24 Q. -- based on the policy and the</p>

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<p style="text-align: right;">121</p> <p>1 application of the policy?</p> <p>2 MS. OELTJEN: Objection. You</p> <p>3 can answer.</p> <p>4 THE WITNESS: I definitely</p> <p>5 think the policy was flawed.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. I understand that.</p> <p>8 A. I definitely think that.</p> <p>9 Q. I understand that completely you</p> <p>10 think that the policy is flawed. I'm asking</p> <p>11 specifically about calling the police on</p> <p>12 these two gentlemen. You don't find any</p> <p>13 problems with calling the police on these two</p> <p>14 gentlemen even though they had not made a</p> <p>15 purchase?</p> <p>16 MS. OELTJEN: Objection. She</p> <p>17 told you earlier today that she</p> <p>18 didn't think the police had been</p> <p>19 called. You can answer.</p> <p>20 MR. HARRIS: She can testify.</p> <p>21 THE WITNESS: I did not believe</p> <p>22 that the police should have been</p> <p>23 called. I also don't believe the</p> <p>24 police should have made the decision</p>	<p style="text-align: right;">123</p> <p>1 A. I believe that, yes.</p> <p>2 Q. All right. And that's why you said</p> <p>3 you wouldn't have called the police?</p> <p>4 A. I don't believe I would have, no.</p> <p>5 Q. But you don't believe that calling</p> <p>6 the police should have been something that</p> <p>7 would warrant termination?</p> <p>8 MS. OELTJEN: Objection. You</p> <p>9 can answer.</p> <p>10 THE WITNESS: I would not have</p> <p>11 called the police. I don't believe I</p> <p>12 would have.</p> <p>13 That said, I believe that this</p> <p>14 manager thought she was following a</p> <p>15 policy of the company. So I don't</p> <p>16 think she, in her mind, thought she</p> <p>17 was making a decision racially</p> <p>18 motivated. But she was making a</p> <p>19 decision, based on non-customers</p> <p>20 being in the store, she needed to</p> <p>21 enforce the non-customer rule and not</p> <p>22 have people in the store that weren't</p> <p>23 customers.</p> <p>24 I don't think that it should</p>
<p style="text-align: right;">122</p> <p>1 to arrest these young men.</p> <p>2 I think it was a horrible</p> <p>3 situation that stemmed from a bad</p> <p>4 policy and sort of spiraled into a</p> <p>5 really awful situation.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. Do you think that the reason that it</p> <p>8 spiraled into an awful situation has to do</p> <p>9 something with race in this country?</p> <p>10 MS. OELTJEN: Objection.</p> <p>11 BY MR. HARRIS:</p> <p>12 Q. And this wasn't an isolated</p> <p>13 situation? You agree with me, right,</p> <p>14 Ms. Phillips, that calling police on African</p> <p>15 American men will have an impact differently</p> <p>16 than it may have on someone who is not</p> <p>17 African American?</p> <p>18 A. Yes, absolutely.</p> <p>19 Q. All right. So, if you're going to</p> <p>20 call the police, that's a leadership</p> <p>21 decision, don't you think that that would</p> <p>22 have an impact on the outcomes very</p> <p>23 differently if the customers are white versus</p> <p>24 black?</p>	<p style="text-align: right;">124</p> <p>1 have happened, but I also think that</p> <p>2 she probably thought she was doing</p> <p>3 the right thing in instituting a</p> <p>4 policy that we gave her, you know, at</p> <p>5 Starbucks.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. As a leader of that region, what</p> <p>8 would you have instructed your employees to</p> <p>9 do if they were posed with the same</p> <p>10 situation?</p> <p>11 A. If the same situation came up, what</p> <p>12 would I have instructed a leader to do if</p> <p>13 they had reached out to me?</p> <p>14 Q. Yes.</p> <p>15 A. I probably would have asked some</p> <p>16 qualifying questions. "Okay, so there's two</p> <p>17 non-customers in the store. Are they causing</p> <p>18 a disturbance? Are they looking at</p> <p>19 inappropriate content? You know, is there a</p> <p>20 reason that we need to have them removed"?</p> <p>21 And if those answers were "no,</p> <p>22 they're not doing anything disruptive,</p> <p>23 they're merely in the café", I would have</p> <p>24 said, "I don't think we need to call the</p>

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<p style="text-align: right;">125</p> <p>1 police".</p> <p>2 Q. Based on those questions that you</p> <p>3 just posed, you had a conversation with</p> <p>4 Ms. Hylton after the incident, did you ask</p> <p>5 her any of those questions?</p> <p>6 A. Well, it was too late to make the</p> <p>7 decision on calling the police. That already</p> <p>8 happened, but --</p> <p>9 Q. Sure. But just to figure out what</p> <p>10 was driving her decision-making, did you ask</p> <p>11 her any of those questions?</p> <p>12 A. I did -- I know that I asked her, you</p> <p>13 know, "tell me when you approached them in</p> <p>14 the café, tell me about that interaction". I</p> <p>15 asked her, you know, when the police came and</p> <p>16 "did they ask you if they wanted them</p> <p>17 arrested". She said, "No, we did not want</p> <p>18 them arrested". She asked them, "We don't</p> <p>19 want you to arrest these people. We just</p> <p>20 wanted them to move along if they weren't</p> <p>21 going to be customers". So, you know, I did</p> <p>22 ask her some questions, yes.</p> <p>23 Q. And so based on the information you</p> <p>24 provided, you felt comforted to know that she</p>	<p style="text-align: right;">127</p> <p>1 MR. HARRIS: Rick, could you</p> <p>2 please put up P-4 again? And can you</p> <p>3 go to the, I believe it's the second</p> <p>4 page now? That's good. That page is</p> <p>5 fine. Could you highlight that page</p> <p>6 for us, please? Thank you.</p> <p>7 BY MR. HARRIS:</p> <p>8 Q. Ms. Phillips, could you please read</p> <p>9 that entire page to yourself? And after</p> <p>10 you've finished, please let me know, and I'll</p> <p>11 ask you a few questions.</p> <p>12 A. Okay.</p> <p>13 Q. And, Ms. Phillips, as I understand</p> <p>14 it, this Administrative Charge, the</p> <p>15 information contained in this document, you</p> <p>16 prepared this information, the factual</p> <p>17 scenario?</p> <p>18 MS. OELTJEN: Objection.</p> <p>19 You're going to, you're hitting in</p> <p>20 privileged and work product, Rich.</p> <p>21 MR. HARRIS: Okay.</p> <p>22 MS. OELTJEN: Can you ask a</p> <p>23 different way?</p> <p>24 MR. HARRIS: Yes, sure.</p>
<p style="text-align: right;">126</p> <p>1 could lead the store?</p> <p>2 MS. OELTJEN: Objection. You</p> <p>3 can answer.</p> <p>4 THE WITNESS: Based on the</p> <p>5 answers that she gave me, did I feel</p> <p>6 comfortable with her leading the</p> <p>7 store? Is that your question?</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. Yes, that is my question.</p> <p>10 A. I think Paul and I probably would</p> <p>11 have had conversation around whether she was</p> <p>12 the right person to be a store manager moving</p> <p>13 forward. We might have demoted her to an</p> <p>14 assistant manager because we felt like she</p> <p>15 needed more one-on-one training. A store</p> <p>16 manager really is making decisions for their</p> <p>17 whole unit.</p> <p>18 So likely we would have come to a</p> <p>19 decision that, you know, a different region</p> <p>20 might be better for her based on that</p> <p>21 decision-making that happened. But, you</p> <p>22 know, that didn't happen because she was gone</p> <p>23 right -- she was gone within a couple days.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">128</p> <p>1 BY MR. HARRIS:</p> <p>2 Q. Separate and apart from the</p> <p>3 conversations you had with counsel, the</p> <p>4 information that's contained in this document</p> <p>5 is accurate as of May of 2018. Is that a</p> <p>6 fair statement?</p> <p>7 A. Yes. I didn't finish reading it, but</p> <p>8 --</p> <p>9 Q. Okay, feel free to finish reading it.</p> <p>10 A. Okay. Okay.</p> <p>11 Q. All right.</p> <p>12 MR. HARRIS: Can you go to the</p> <p>13 next page?</p> <p>14 BY MR. HARRIS:</p> <p>15 Q. Take your time and try to read that.</p> <p>16 That's a little small. I can read it, but --</p> <p>17 A. I can read it.</p> <p>18 Q. Okay, very good.</p> <p>19 MS. OELTJEN: Is some</p> <p>20 information at the top cut off there?</p> <p>21 THE VIDEOGRAPHER: Yes, I just</p> <p>22 cut this out just to -- it would help</p> <p>23 me with the other language, if that's</p> <p>24 okay.</p>

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<p style="text-align: right;">129</p> <p>1 MS. OELTJEN: Okay. That's</p> <p>2 fine. I just --</p> <p>3 BY MR. HARRIS:</p> <p>4 Q. All right. Ma'am, you agree with me</p> <p>5 on either one of those two pages you don't</p> <p>6 mention at all a conversation -- hello? Can</p> <p>7 you hear me?</p> <p>8 A. Yes.</p> <p>9 Do you mind if I just run to the</p> <p>10 bathroom really quick?</p> <p>11 Q. No, we can take a quick break.</p> <p>12 A. Okay. Thank you so much.</p> <p>13 Q. No problem.</p> <p>14 THE VIDEOGRAPHER: Going off</p> <p>15 the record, the time is 12:41 p.m.</p> <p>16 - - -</p> <p>17 (A recess occurred.)</p> <p>18 - - -</p> <p>19 THE VIDEOGRAPHER: All right.</p> <p>20 The time is 12:48. Back on the</p> <p>21 record.</p> <p>22 BY MR. HARRIS:</p> <p>23 Q. Showing you what has been marked as</p> <p>24 P-4, did you have a chance to review the</p>	<p style="text-align: right;">131</p> <p>1 MS. OELTJEN: Objection. You</p> <p>2 can answer.</p> <p>3 THE WITNESS: Yes, I believe it</p> <p>4 was.</p> <p>5 BY MR. HARRIS:</p> <p>6 Q. Okay. You agree with me in the</p> <p>7 information that you just read on either two</p> <p>8 pages you don't mention at all a conversation</p> <p>9 with Ms. Ebony Johnson?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. Ms. Phillips, do you recall receiving</p> <p>12 anti-harassment training and</p> <p>13 anti-discrimination/anti-retaliation training</p> <p>14 as well during your time with Starbucks?</p> <p>15 A. I'm sure I did. We did a lot of</p> <p>16 different trainings through like a</p> <p>17 MyLearning.</p> <p>18 MR. HARRIS: May the witness be</p> <p>19 shown Bates stamp number</p> <p>20 STARBUCKS-140.</p> <p>21 THE VIDEOGRAPHER: Which</p> <p>22 exhibit is that?</p> <p>23 MR. HARRIS: I'm sorry, Exhibit</p> <p>24 Number 7 on our list. And it's</p>
<p style="text-align: right;">130</p> <p>1 factual recitation of the events that led up</p> <p>2 to you filing your Administrative Charge?</p> <p>3 A. Yes.</p> <p>4 MS. OELTJEN: Objection. You</p> <p>5 can answer. And you did.</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. And the information that you prepared</p> <p>8 in that document, and that was -- I think you</p> <p>9 signed it May 18, 2018?</p> <p>10 A. It's not in front of me, but I'm sure</p> <p>11 that's probably right.</p> <p>12 Q. It was certainly May of 2018. The</p> <p>13 precise date I could be mistaken.</p> <p>14 A. Okay.</p> <p>15 Q. But it was in May of 2018, okay.</p> <p>16 And you agree with me that was</p> <p>17 shortly after you had left the</p> <p>18 organization --</p> <p>19 A. Yes.</p> <p>20 Q. -- when you signed that document?</p> <p>21 All right.</p> <p>22 And so the information that you have</p> <p>23 in that recitation was accurate and it was</p> <p>24 detailed. Was it not?</p>	<p style="text-align: right;">132</p> <p>1 titled Phillips Partner Guide</p> <p>2 Acknowledgement.</p> <p>3 THE VIDEOGRAPHER: Sure,</p> <p>4 Counsel, just give me one second. I</p> <p>5 just have to reorient it and rotate</p> <p>6 it before I show it.</p> <p>7 MR. HARRIS: No problem.</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. While we're getting that document,</p> <p>10 Ms. Phillips, do you know who replaced you in</p> <p>11 your position?</p> <p>12 A. My area was kind of broken up. So</p> <p>13 Marcus, who was an existing regional</p> <p>14 director, took the two districts in</p> <p>15 Philadelphia. And then --</p> <p>16 Q. And who is Marcus? You said Marcus.</p> <p>17 A. Marcus.</p> <p>18 Q. Do you remember his last name?</p> <p>19 A. Eckensberger, I think.</p> <p>20 Q. Do you recall his nationality or</p> <p>21 race?</p> <p>22 A. He's white.</p> <p>23 Q. Okay. And you were going to say</p> <p>24 someone else?</p>

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<p style="text-align: right;">133</p> <p>1 A. And then I had interviewed actually a 2 candidate for D.C. Her name was Linda, I 3 believe. She ultimately took the balance of 4 my region, but then I know that that has 5 since changed and she doesn't have it 6 anymore. 7 Q. All right. But, initially, when you 8 first left the organization, one portion went 9 to Marcus Eckensberg? 10 A. Eckensberger. 11 Q. Eckensberger, excuse me. And the 12 other portion went to Linda Johnson. Is that 13 accurate? 14 A. Ultimately. I think there were some 15 interim, TJ Wolfersberger had the area for 16 some time until Linda came in, but yes, 17 ultimately, it went to Linda and Marcus. 18 Q. All right. Linda Johnson and Marc 19 Eckensberger, they're both Caucasian, 20 correct, or white? 21 A. Marcus, not Marc. Marcus. 22 Q. Marcus, excuse me. 23 A. That's okay. 24 Q. Marcus?</p>	<p style="text-align: right;">135</p> <p>1 Partner Guide had all kinds of 2 information, but that may have been 3 covered in it. 4 BY MR. HARRIS: 5 Q. All right. And this shows that you 6 signed and dated this December 12, 2005, but 7 you had ongoing training up until the time 8 you left the organization, right? 9 A. That's correct. 10 MR. HARRIS: Now, may the 11 witness be shown -- thank you. So 12 that's P-5. 13 May the witness be shown P- 14 yes, P-6 which is, Rick, Exhibit 15 Number 6, Partner Guide. And let's 16 go to Bates stamp -- 17 BY MR. HARRIS: 18 Q. Partner Guide, that's what you were 19 just referring to? 20 A. Yes. 21 - - - 22 (P-6 marked for identification.) 23 - - - 24 MR. HARRIS: Can we now go to I</p>
<p style="text-align: right;">134</p> <p>1 A. Yes. 2 Q. Okay. 3 - - - 4 (P-5 marked for identification.) 5 - - - 6 BY MR. HARRIS: 7 Q. Showing you what's been now marked 8 as -- 9 MR. HARRIS: Are we up to P-5? 10 BY MR. HARRIS: 11 Q. Do you recognize this document, 12 Ms. Phillips? 13 A. I think it's what I signed probably 14 when I got my Partner Guide when I first 15 started. Because it's dated my hire date, 16 12/12/05. 17 Q. And the Partner Guide is the document 18 or series of documents that describe the 19 anti-discrimination policy, the 20 anti-harassment policy, retaliation policy? 21 MS. OELTJEN: Objection. 22 THE WITNESS: I can answer? 23 MS. OELTJEN: Yes. Yes. 24 THE WITNESS: Okay. The</p>	<p style="text-align: right;">136</p> <p>1 believe it's STARBUCKS-1? All right, 2 let's go to page 1 first. 3 BY MR. HARRIS: 4 Q. So this has an introduction and it 5 has all the different items that are inside, 6 Values, How You Communicate, Policy 7 Standards, et cetera, Mission, those things. 8 Is that accurate? 9 THE WITNESS: That's correct. 10 BY MR. HARRIS: 11 Q. All right. 12 MR. HARRIS: Let's go to 13 page 5. I believe -- I'm sorry. 14 It's STARBUCKS-5. Can you highlight 15 that? Rick, can you -- 16 THE VIDEOGRAPHER: I'm sorry. 17 I'm not seeing "5" in the corner. I 18 just see "29". 19 MR. HARRIS: No problem. Let's 20 go to 27. That's fine. All right. 21 Let's go to the bottom of the page 22 where it says Harassment and 23 Discrimination Prohibited. 24 BY MR. HARRIS:</p>

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<p style="text-align: right;">137</p> <p>1 Q. This is Starbucks Anti-Harassment and 2 Discrimination policy. Are you familiar with 3 this policy, Ms. Phillips? 4 A. It's been a while since I read it, 5 but yes. 6 Q. Okay. And this essentially says you 7 can't discriminate against anyone based on 8 race, ethnicity, et cetera? 9 A. That's correct. 10 Q. Okay. 11 MR. HARRIS: All right. Can 12 you go to policy number -- page 27 at 13 the bottom, so two pages later. 14 Okay, at the bottom again of this 15 document where it says Retaliation 16 Prohibited? 17 BY MR. HARRIS: 18 Q. And this is the Anti-Retaliation 19 policy as well? 20 MS. OELTJEN: Objection. You 21 can answer. 22 THE WITNESS: Yes. Again, it's 23 been a while since I've read it, but 24 yes, it looks -- yes.</p>	<p style="text-align: right;">139</p> <p>1 page 30. All right, there we go. 2 BY MR. HARRIS: 3 Q. So this is -- do you recognize this 4 policy or this portion of the Partners Guide, 5 How We Communicate? 6 A. I mean I -- again, it's been a while 7 since I read it, but it looks familiar, yes. 8 Q. Okay. Can you paraphrase what this 9 essentially means to laypeople outside the 10 organization? 11 A. Could you make it a little larger? 12 It's hard for me to read. I just want to 13 make sure I'm looking, reading it and knowing 14 what I'm talking about. 15 MS. OELTJEN: Yes, we want you 16 to do that today, Shannon. So 17 definitely let them know if you can't 18 read the document. 19 MR. HARRIS: Rick, could you 20 put that down a little bit so we can 21 read the first paragraph? There you 22 go. Thanks. 23 THE WITNESS: Sure. You want 24 me to explain to you what this means?</p>
<p style="text-align: right;">138</p> <p>1 BY MR. HARRIS: 2 Q. And you were trained on this as well. 3 So, in addition to having it in the Partners 4 Guide, you were actually trained on it and 5 you trained others on this anti-harassment as 6 well as anti-retaliation policy in your 7 region? 8 A. I don't know that I trained others at 9 my level, but I did receive ongoing yearly 10 updates to the guide, yes. 11 Q. And when the individuals would 12 complain, you would advise them of these 13 policies. Would you not? 14 A. If a partner complained of 15 discrimination or retaliation? 16 Q. Yes. 17 A. So, if a partner complained, it would 18 have gone through our Partner Resources, 19 there would have been an investigation, and 20 then I would have been involved in making 21 decisions based on the outcome of the 22 investigation, yes. 23 Q. Okay. 24 MR. HARRIS: Let's go to</p>	<p style="text-align: right;">140</p> <p>1 BY MR. HARRIS: 2 Q. You can just paraphrase it for us. 3 A. Sure. This is about how we want to 4 treat each other at Starbucks, with respect 5 and dignity all the time. And if you have 6 concerns, that you should raise them through 7 the channel, meaning to your supervisor first 8 and to Partner Resources if necessary. 9 If you have a conflict, you know, the 10 first step is to try to resolve it with that 11 person, and then if that's not possible, to 12 seek support from your supervisor or 13 ultimately it references the BEC line, the 14 Business Ethics and Compliance hotline if you 15 needed to. 16 Q. So, for example, the complaint that 17 you are saying that you lodged with Ms. 18 Johnson in your complaint that was not 19 mentioned in your Administrative Charge, 20 there was a process by which you could 21 communicate that as I understand this? 22 MS. OELTJEN: Sorry, I thought 23 you were done. Objection. You can 24 answer.</p>

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36 (Pages 141 to 144)

<p style="text-align: right;">141</p> <p>1 THE WITNESS: My complaint to</p> <p>2 Ebony was that I felt like we were</p> <p>3 treating Ben unfairly, that we were</p> <p>4 putting him on suspension based on</p> <p>5 allegations that were false.</p> <p>6 I had already shared those with</p> <p>7 my boss, the Partner Resource Manager</p> <p>8 and the Partner Resource Vice</p> <p>9 President, and then I shared them</p> <p>10 with my Partner Resource, I'm sorry,</p> <p>11 Nathalie was the Partner Resource</p> <p>12 Director, Paul was the VP, and then</p> <p>13 my Partner Resource Manager Ebony</p> <p>14 that night.</p> <p>15 BY MR. HARRIS:</p> <p>16 Q. This Ethics and Compliance hotline,</p> <p>17 was that available to you?</p> <p>18 A. It was available to anyone.</p> <p>19 Q. You included even at your level?</p> <p>20 A. Of course.</p> <p>21 Q. You did not call the hotline. Is</p> <p>22 that fair?</p> <p>23 A. I did not.</p> <p>24 Q. Do you know whether or not there was</p>	<p style="text-align: right;">143</p> <p>1 in Philly and the horrible aftermath</p> <p>2 of it, that it was not recoverable,</p> <p>3 and that's what I took it to mean.</p> <p>4 BY MR. HARRIS:</p> <p>5 Q. Okay. Why was she laying it at your</p> <p>6 feet, if you know?</p> <p>7 MS. OELTJEN: Objection. You</p> <p>8 can answer.</p> <p>9 THE WITNESS: Why was she</p> <p>10 laying it at my feet? I believe that</p> <p>11 -- there was a time I think she</p> <p>12 thought her job was also in jeopardy.</p> <p>13 But at this point, I believe that</p> <p>14 anyone involved that was</p> <p>15 unfortunately white was going to be</p> <p>16 let go and anyone that was involved</p> <p>17 that was African American would end</p> <p>18 up staying.</p> <p>19 BY MR. HARRIS:</p> <p>20 Q. So all right, let me go backwards.</p> <p>21 You started off by saying anyone that was</p> <p>22 involved was going to be let go as a result</p> <p>23 of the April 2018 incident, but then you</p> <p>24 characterized it and said that anyone that</p>
<p style="text-align: right;">142</p> <p>1 an investigation into the statement that you</p> <p>2 made after you left the organization?</p> <p>3 MS. OELTJEN: Objection. You</p> <p>4 can answer.</p> <p>5 THE WITNESS: Which statement?</p> <p>6 BY MR. HARRIS:</p> <p>7 Q. The statement regarding when you</p> <p>8 alleged that you had spoken to Ms. Ebony</p> <p>9 Johnson, do you know whether or not there was</p> <p>10 an investigation into that statement that you</p> <p>11 made?</p> <p>12 A. I don't know. The next day was when</p> <p>13 I was told I was going to be separated. So I</p> <p>14 don't know what came of that.</p> <p>15 Q. Did Ms. Hymes inform you why you were</p> <p>16 being separated?</p> <p>17 A. She said the situation is not</p> <p>18 recoverable. That's what she said.</p> <p>19 Q. What situation specifically was she</p> <p>20 referring to?</p> <p>21 MS. OELTJEN: Objection. You</p> <p>22 can answer.</p> <p>23 THE WITNESS: I assumed it to</p> <p>24 mean the situation that had happened</p>	<p style="text-align: right;">144</p> <p>1 was white was going to be let go but</p> <p>2 non-white individuals were not going to be</p> <p>3 let go. Is that your characterization?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Do you have any evidence that</p> <p>6 that was the case other than your</p> <p>7 supposition?</p> <p>8 MS. OELTJEN: Objection. You</p> <p>9 can answer.</p> <p>10 THE WITNESS: Well, the store</p> <p>11 manager had been let go. The black</p> <p>12 district manager was still going to</p> <p>13 be employed. I was the regional</p> <p>14 director and I was white, and I was</p> <p>15 now going to be let go. And my boss,</p> <p>16 who was black, was not losing her</p> <p>17 job.</p> <p>18 The only other person it</p> <p>19 impacted was a white district manager</p> <p>20 who did not oversee the store but was</p> <p>21 a leader in the Philadelphia market.</p> <p>22 So it seemed pretty clear to me who</p> <p>23 was being let go.</p> <p>24 BY MR. HARRIS:</p>

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<p style="text-align: right;">145</p> <p>1 Q. Okay. Whether you agree or disagree 2 with Ms. Hylton, you agree with the statement 3 that reasonable minds could differ as to 4 whether or not her conduct warranted 5 termination? 6 MS. OELTJEN: Objection. You 7 can answer. 8 THE WITNESS: Do I -- I'm 9 sorry, ask me one more time? 10 BY MR. HARRIS: 11 Q. Yes, sure. Whether you would 12 personally agree with the termination of 13 Ms. Hylton, you agree that reasonable minds 14 could differ in determining her conduct 15 warranted her being terminated by calling the 16 police on two individuals that were sitting 17 in the store? 18 A. Yes. If after investigation, you 19 know, if we had all the facts that was the 20 determination, I would have supported that. 21 Q. Okay. And you had no facts to 22 dispute that that termination decision wasn't 23 warranted -- 24 MS. OELTJEN: Objection.</p>	<p style="text-align: right;">147</p> <p>1 have made a different decision in that 2 moment. That said, I also believe that 3 Starbucks gave this policy that she thought 4 she was trying to follow, and I think there 5 should have been some ownership on Starbucks' 6 part versus just terminating her, maybe 7 giving her -- obviously, she was a 8 five-year-or-more partner with the company. 9 She may have needed additional training on 10 decision-making. I don't know. 11 But I think, you know, in that 12 moment, I think she clearly made the wrong 13 decision. Did it warrant her termination? 14 Perhaps it did. Perhaps it did warrant her 15 termination. I wasn't involved with that 16 decision. But certainly, I can understand 17 why the decision was made. 18 Q. Okay. And so if you understand why 19 the decision was made, then you understand 20 that it did not have anything to do with her 21 race? 22 MS. OELTJEN: Objection. You 23 can answer. 24 THE WITNESS: I'm not sure I</p>
<p style="text-align: right;">146</p> <p>1 BY MR. HARRIS: 2 Q. -- based on the information that you 3 uncovered? 4 MS. OELTJEN: Objection. You 5 can answer. 6 THE WITNESS: Do I have any 7 facts that the termination was not 8 warranted? Is that the question? 9 BY MR. HARRIS: 10 Q. Yes. Based on as I understand your 11 testimony, you stated that there was an 12 application of the policy and that's why 13 Ms. Hylton called the police? 14 A. Correct. 15 Q. But you also said that if it were you 16 you would not have called the police? 17 A. That's correct. 18 Q. All right. And so you agree that 19 certainly individuals could have decided that 20 the decision to call the police was 21 unwarranted and, therefore, warranted her to 22 be terminated? 23 A. I think that as a higher level leader 24 with a lot more years of experience I would</p>	<p style="text-align: right;">148</p> <p>1 agree with that. 2 BY MR. HARRIS: 3 Q. Okay. But you have no independent 4 evidence to suggest that her termination 5 decision was based on race? 6 A. I think if the same situation had 7 happened but Holly was black, I don't believe 8 she would have been terminated. 9 Q. Do you think that same situation 10 would have happened had Holly would have 11 called the police on two white individuals? 12 MS. OELTJEN: Objection. You 13 can answer. 14 THE WITNESS: Do I think Holly 15 would have called the police on two 16 white individuals? 17 BY MR. HARRIS: 18 Q. Yes. 19 A. I do actually. 20 Q. She told you that? 21 A. I think she -- she was following what 22 she thought to be a very black-and-white 23 policy and that there was not a lot of room 24 perhaps for her judgment in it. So I believe</p>

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<p style="text-align: right;">149</p> <p>1 she would have called the police whoever it 2 was. I do. 3 Q. Okay. 4 MR. HARRIS: This is a good 5 time for us to take a break. So how 6 about we'll go off the record? 7 THE VIDEOGRAPHER: All right. 8 The time is 1:07 p.m. Going off the 9 record. 10 - - - 11 (A recess occurred.) 12 - - - 13 THE VIDEOGRAPHER: All right. 14 The time is 1:48 p.m. Back on the 15 record. 16 BY MR. HARRIS: 17 Q. All right. Ms. Phillips. Welcome 18 back. 19 A. Thank you. 20 Q. Ms. Phillips, I asked you a few 21 questions about Ms. Hymes' leadership 22 requirements for the leaders within her 23 region, and I recall you testifying to the 24 leadership qualities that she did not</p>	<p style="text-align: right;">151</p> <p>1 Q. Any other incident than the one that 2 you mentioned? 3 A. I -- there were things that I didn't 4 always think were transparent with Camille. 5 Q. Okay. And something other than the 6 incident that you already testified to that 7 you're referring to? 8 A. That's correct. 9 Q. Okay. And did you confront her with 10 that? 11 A. No. I felt more like she shared 12 information, and we were, we kind of bonded 13 and so she would maybe share information 14 differently than she would share with others. 15 Q. Okay. When you say you bonded with 16 her -- so, up until you were terminated, you 17 assessed your relationship with Ms. Hymes as 18 being fair and consistent? 19 MS. OELTJEN: Objection. You 20 can answer. 21 THE WITNESS: I would say up 22 until the, this incident happened in 23 April, yes. Prior to that, I would 24 say that she had been fair and</p>
<p style="text-align: right;">150</p> <p>1 possess. But my question to you was: 2 Do you recall Ms. Hymes demanding 3 from the leaders in her region to be 4 transparent and accountable? 5 A. Sometimes. 6 Q. Okay. When you say "sometimes", she 7 did demand that of you? 8 A. I think she wanted me to be 9 transparent and accountable. There were 10 other times I felt like, you know, if we were 11 getting our stories aligned that that didn't 12 feel very transparent, but -- 13 Q. Absent the incident in which you said 14 you brought up the incident or the isolated 15 incident regarding, and I'll use your term, 16 "a lack of transparency", other than that 17 incident that you mentioned, do you agree 18 that Ms. Hymes was transparent and 19 accountable as her leadership style to you 20 and others? 21 MS. OELTJEN: Objection. You 22 can answer. 23 THE WITNESS: Sometimes, yes. 24 BY MR. HARRIS:</p>	<p style="text-align: right;">152</p> <p>1 consistent. 2 BY MR. HARRIS: 3 Q. Okay. As of -- after the April 2018 4 incident when she made the difficult 5 challenge of -- well, strike that. Let me 6 step back. 7 Who made the decision to terminate 8 Ms. Hylton? 9 A. I found out after the fact, but I 10 know that Camille and Paul Pinto I believe 11 made that decision. I can't answer that 12 wholeheartedly. I found out after she was 13 already gone. 14 Q. Okay, Paul Pinto. And what was his 15 role? 16 A. He was a Partner Resource Vice 17 President. 18 Q. And Paul Pinto, what race is he? 19 A. He's white. 20 Q. Okay. And Camille Hymes -- so 21 together they made the decision to terminate 22 Ms. Hylton? 23 A. They're the ones that informed me of 24 the decision. I don't know if they made that</p>

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<p style="text-align: right;">153</p> <p>1 decision. I'm not 100 percent sure on.</p> <p>2 Q. Did you speak to Ben Trinsey or Paul</p> <p>3 Sykes about the decision to fire Ms. Hylton?</p> <p>4 A. Did I speak to them?</p> <p>5 Q. Yes.</p> <p>6 A. Well, after I found out she was gone,</p> <p>7 then obviously I spoke to Paul Sykes about it</p> <p>8 because that was one of his store managers,</p> <p>9 and we needed to figure out who was -- you</p> <p>10 know, we had pulled somebody to cover this</p> <p>11 store, but that left a hole someplace else.</p> <p>12 So there was, you know, certainly a</p> <p>13 conversation about Holly and the fact that</p> <p>14 she was no longer a part of this team.</p> <p>15 Q. Okay. Let me switch gears back to</p> <p>16 Ben Trinsey. Do you know if Ben Trinsey</p> <p>17 would have been separated if he did not sign</p> <p>18 the separation agreement --</p> <p>19 MS. OELTJEN: Objection.</p> <p>20 BY MR. HARRIS:</p> <p>21 Q. -- or the package as you testified</p> <p>22 to?</p> <p>23 MS. OELTJEN: Objection. You</p> <p>24 can answer.</p>	<p style="text-align: right;">155</p> <p>1 can answer.</p> <p>2 THE WITNESS: I just want to</p> <p>3 make sure I understand the question.</p> <p>4 You're asking if the assistant</p> <p>5 manager complained should there have</p> <p>6 been an investigation according to</p> <p>7 the way Starbucks would react?</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. Yes.</p> <p>10 A. Not -- I don't think there should</p> <p>11 have been in this instance. Because the</p> <p>12 fa--- the allegation was around pay, and that</p> <p>13 wasn't something he had to do with.</p> <p>14 So I think there wouldn't have been</p> <p>15 an investigation. It would have been</p> <p>16 explained to her, "Your pay is based on</p> <p>17 education and experience, and that was</p> <p>18 different than the other person's which is</p> <p>19 why there was a different pay".</p> <p>20 Q. Do you know that for certainty or</p> <p>21 you're speculating as to that that there was</p> <p>22 a difference in pay based on experience?</p> <p>23 A. I do --</p> <p>24 Q. Yes?</p>
<p style="text-align: right;">154</p> <p>1 THE WITNESS: I don't know.</p> <p>2 Because I placed him on suspension,</p> <p>3 and then that happened after I was</p> <p>4 gone. So I don't know.</p> <p>5 BY MR. HARRIS:</p> <p>6 Q. You spoke to him several times</p> <p>7 afterwards, correct?</p> <p>8 A. Yes. I know from his standpoint, but</p> <p>9 I don't know from the company's standpoint.</p> <p>10 Q. All right. Do you know the results</p> <p>11 of that investigation involving the assistant</p> <p>12 store manager that led to Mr. Trinsey being</p> <p>13 placed on suspension?</p> <p>14 MS. OELTJEN: Objection. You</p> <p>15 can answer.</p> <p>16 THE WITNESS: I don't.</p> <p>17 BY MR. HARRIS:</p> <p>18 Q. Okay. Now, it was Starbucks' policy,</p> <p>19 and we went through some of the policies,</p> <p>20 when there was an allegation of a nature that</p> <p>21 involved the assistant manager that had</p> <p>22 complained about Mr. Trinsey to conduct an</p> <p>23 investigation?</p> <p>24 MS. OELTJEN: Objection. You</p>	<p style="text-align: right;">156</p> <p>1 A. I know that, yes.</p> <p>2 Q. Okay. How do you know that? How did</p> <p>3 you find that information out?</p> <p>4 A. Because when a district manager would</p> <p>5 be promoting someone, be it a shift</p> <p>6 supervisor to assistant or assistant to store</p> <p>7 manager, that information, their resume,</p> <p>8 qualifications would be given to our Partner</p> <p>9 Resource Manager Joyce Bareno (ph) at the</p> <p>10 time, and the person that made the</p> <p>11 allegation, Joyce was the one who came up</p> <p>12 with her salary recommendation.</p> <p>13 So Joyce 100 percent, she had been</p> <p>14 with the company more than 25 years, she used</p> <p>15 something called the salary calculator to</p> <p>16 determine, and she always said it surrounded</p> <p>17 two things, it was experience and education.</p> <p>18 The person that made that allegation I</p> <p>19 believe had a high school degree and did not</p> <p>20 have experience, and the person that she was</p> <p>21 complaining was making more than her was a</p> <p>22 person named, I think her name was Darryl,</p> <p>23 something like that, Darryl or Darren, and</p> <p>24 she had a Master's degree. So that had been</p>

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<p style="text-align: right;">157</p> <p>1 the difference.</p> <p>2 Because at the time that she was</p> <p>3 promoted, Ben had even asked, you know,</p> <p>4 "That's lower than what I promoted Darryl</p> <p>5 to", and Joyce had come back and said, "It's</p> <p>6 because of experience and education. That</p> <p>7 person had a Master's. She has a high school</p> <p>8 degree".</p> <p>9 Q. Ms. Phillips, you have significant</p> <p>10 details around that incident. Can you tell</p> <p>11 me -- as I understand the policy, doesn't the</p> <p>12 DM or the district manager have some</p> <p>13 discretion to make sure that there's parody</p> <p>14 irrespective of the educational background?</p> <p>15 So, for example, I understand</p> <p>16 initially that that's the calculus that gets</p> <p>17 done by the HR team, but ultimately, the DM</p> <p>18 can actually make sure that there's parody</p> <p>19 and could give them the same amount of pay.</p> <p>20 Is that accurate?</p> <p>21 MS. OELTJEN: Objection. You</p> <p>22 can answer.</p> <p>23 THE WITNESS: That's not</p> <p>24 accurate. At the time that we had</p>	<p style="text-align: right;">159</p> <p>1 eliminated or they wanted her to move and she</p> <p>2 lived in Texas and couldn't move, but</p> <p>3 ultimately, within the last couple weeks, you</p> <p>4 know, of my time there, that's -- I'm trying</p> <p>5 to remember when we got Ebony. It might have</p> <p>6 been because of this incident. It was right</p> <p>7 around the time that this happened that Ebony</p> <p>8 stepped in to be our Partner Resource</p> <p>9 Manager.</p> <p>10 Q. And as a result when Ebony jumped in</p> <p>11 to be your Partner Resource Manager, did that</p> <p>12 provide district managers the discretion to</p> <p>13 have individuals within their reporting</p> <p>14 structure to have the same level of</p> <p>15 compensation?</p> <p>16 MS. OELTJEN: Objection. You</p> <p>17 can answer.</p> <p>18 BY MR. HARRIS:</p> <p>19 Q. If they have the same title and same</p> <p>20 responsibilities.</p> <p>21 A. I wouldn't necessarily say that they</p> <p>22 had a discretion of -- well, let me think of</p> <p>23 how to say that. Ebony was new to the role</p> <p>24 so she didn't know, you know, she was just</p>
<p style="text-align: right;">158</p> <p>1 Joyce Bareno, our Partner Resource</p> <p>2 Manager that we had for years and</p> <p>3 years and years, she ultimately died,</p> <p>4 but when she was our Partner Resource</p> <p>5 Manager, she made the decisions on</p> <p>6 salary. The DM did not have a</p> <p>7 decision or discretion.</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. And that was the case up until the</p> <p>10 time that you left the organization?</p> <p>11 A. No. Because then Joyce died, and we</p> <p>12 didn't have a Partner Resource Manager for a</p> <p>13 period of time. We had, I forget what his</p> <p>14 name was, someone that just kind of covered,</p> <p>15 and then ultimately we got Ebony Johnson and</p> <p>16 she was in a TLA. She had been a part of the</p> <p>17 --</p> <p>18 Q. And for the record, what's "TLA"?</p> <p>19 What does that mean for the record?</p> <p>20 A. A Temporary Limited Assignment.</p> <p>21 Q. Okay.</p> <p>22 A. Ebony had been part of the I&D team</p> <p>23 in Seattle, which is Inclusion and Diversity,</p> <p>24 and she had -- you know, her role was</p>	<p style="text-align: right;">160</p> <p>1 trying to figure out the Partner Resource</p> <p>2 role coming from a different department.</p> <p>3 Q. Okay.</p> <p>4 A. So we promoted people. When Ebony</p> <p>5 had stepped in, we were more influencing</p> <p>6 because she didn't know. She didn't know C</p> <p>7 market from D market, which is pay structure</p> <p>8 based on cost of living.</p> <p>9 She didn't know -- you know, she just</p> <p>10 didn't have all the information. So we kind</p> <p>11 of had to give her quite a bit more "here's</p> <p>12 what I promoted to last time" or "here's an</p> <p>13 average of what people make" so that she</p> <p>14 could try to function in that role.</p> <p>15 Q. Okay. The detail that you just</p> <p>16 described regarding the involvement of Ben</p> <p>17 Trinsey, did you speak to anyone else</p> <p>18 regarding the information that you just</p> <p>19 testified to, and specifically, I'm talking</p> <p>20 about the information as it relates to how</p> <p>21 compensation was set and whether or not there</p> <p>22 were any other factors that affected the pay</p> <p>23 differential?</p> <p>24 MS. OELTJEN: Objection. You</p>

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<p style="text-align: right;">161</p> <p>1 can answer.</p> <p>2 THE WITNESS: Did I talk to</p> <p>3 anyone besides who? Ben?</p> <p>4 BY MR. HARRIS:</p> <p>5 Q. Anyone besides Ben, yes.</p> <p>6 A. Yes. I spoke to, I had that</p> <p>7 conversation with Camille, Paul Pinto and</p> <p>8 Nathalie that as a part of the conversation</p> <p>9 where I said I didn't agree with why we were</p> <p>10 putting him on a leave, and then I also had</p> <p>11 the conversation with Ebony Johnson that</p> <p>12 night.</p> <p>13 Q. Okay. Did you speak to anyone else</p> <p>14 other than the people who you just mentioned?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did you do any other</p> <p>17 independent investigation regarding the</p> <p>18 backgrounds of the two individuals being</p> <p>19 involved?</p> <p>20 A. The next day I was told I was being</p> <p>21 let go. So no.</p> <p>22 Q. Okay. After the April 2018 incident,</p> <p>23 did you think Paul Sykes was appropriate to</p> <p>24 continue to be responsible for that market?</p>	<p style="text-align: right;">163</p> <p>1 you know, many of our partners were getting,</p> <p>2 you know, told by their friends and family</p> <p>3 that they shouldn't work for Starbucks</p> <p>4 anymore.</p> <p>5 And Paul was closest to those stores</p> <p>6 as the district manager, so he had</p> <p>7 relationships with people that were scared</p> <p>8 and nervous and didn't know if they should</p> <p>9 remain with the company. And so, at that</p> <p>10 time, I felt he was the right person to</p> <p>11 continue in the role.</p> <p>12 Q. What riot are you referring to?</p> <p>13 A. Well, a couple days after the</p> <p>14 incident, there started being protests</p> <p>15 outside and inside the store, and those</p> <p>16 lasted for a period of time. So there were</p> <p>17 different organizations that were protesting.</p> <p>18 Q. Yes, there were protests, but you</p> <p>19 said "riot". So I want to make a distinction</p> <p>20 between rioting and protest. Can you tell me</p> <p>21 when the riots occurred?</p> <p>22 A. I would say it was originally</p> <p>23 protests outside the store, and at some</p> <p>24 point, they came, the group came into the</p>
<p style="text-align: right;">162</p> <p>1 MS. OELTJEN: Objection. You</p> <p>2 can answer.</p> <p>3 THE WITNESS: Meaning before I</p> <p>4 was let go?</p> <p>5 BY MR. HARRIS:</p> <p>6 Q. Yes. After the April incident where</p> <p>7 the two individuals were arrested, did you</p> <p>8 think that Paul Sykes was the appropriate DM</p> <p>9 to run that market?</p> <p>10 A. In the moment, yes, he had all the</p> <p>11 relationships and connections. You know,</p> <p>12 long-term would that have been the best</p> <p>13 situation? I don't know. We might have made</p> <p>14 a different decision over the long-term, but</p> <p>15 certainly in the moment, yes.</p> <p>16 Q. And why do you say "in the moment"</p> <p>17 why that was appropriate?</p> <p>18 A. Because there was a lot of chaos, you</p> <p>19 know, with the rioting, and our partners were</p> <p>20 feeling a lot of external pressure as well as</p> <p>21 the pressures they were feeling on the job.</p> <p>22 I mean coming to work and, you know, being</p> <p>23 faced with rioters, that was a very stressful</p> <p>24 situation for the partners. Additionally,</p>	<p style="text-align: right;">164</p> <p>1 store and they were screaming with bullhorns</p> <p>2 and I was called terrible names as were</p> <p>3 everybody that worked there. The police said</p> <p>4 to me, "If this goes badly, go into the</p> <p>5 bathroom and lock yourself in until I come</p> <p>6 get you". So I would constitute that more of</p> <p>7 a riot.</p> <p>8 Q. Okay. Did you inform Camille that</p> <p>9 you thought the protest, protesters were</p> <p>10 rioting?</p> <p>11 A. Camille was there.</p> <p>12 Q. Okay. Did she also share the same</p> <p>13 sentiment that that would be considered</p> <p>14 rioting?</p> <p>15 MS. OELTJEN: Objection. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: Yes, I believe</p> <p>18 she did. We talked about closing the</p> <p>19 store because we were all, quite</p> <p>20 frankly, afraid for our lives. But</p> <p>21 the decision was made not to close</p> <p>22 the store, so we were there.</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. Okay. Was anyone injured?</p>

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<p style="text-align: right;">165</p> <p>1 A. Was anyone injured? I don't think</p> <p>2 so.</p> <p>3 Q. Was there any property damage done to</p> <p>4 that store at 18th and Spruce?</p> <p>5 A. As a part of the protests and rioting</p> <p>6 inside the store?</p> <p>7 Q. Yes.</p> <p>8 A. People were up on top of tables that</p> <p>9 tipped over. So, you know, there was some</p> <p>10 damage. But no windows were broken out.</p> <p>11 At one point, we used to keep the</p> <p>12 shades down because to keep the sun out and</p> <p>13 the café cooler, and at one point, some of</p> <p>14 the protesters were screaming that they</p> <p>15 wanted the windows open and so the police</p> <p>16 actually were trying to get the windows open.</p> <p>17 I think some shades were broken in the</p> <p>18 process trying to get them up fast enough.</p> <p>19 But minimal damage.</p> <p>20 Q. But no property damage that you can</p> <p>21 assess attributed to the conduct of any of</p> <p>22 the protesters?</p> <p>23 MS. OELTJEN: Objection. Other</p> <p>24 than what she just testified to.</p>	<p style="text-align: right;">167</p> <p>1 damage. There was no -- we didn't</p> <p>2 have any windows broken, if that's</p> <p>3 what you're asking.</p> <p>4 MR. HARRIS: Okay. May the</p> <p>5 witness be shown Exhibit Number 17,</p> <p>6 Rick, which is PHILLIPS Bates stamp</p> <p>7 348 through 55.</p> <p>8 THE VIDEOGRAPHER: Sure, just</p> <p>9 one second.</p> <p>10 SPEAKER: Oh, shit.</p> <p>11 THE WITNESS: That wasn't at my</p> <p>12 house, by the way.</p> <p>13 MS. OELTJEN: That was at mine.</p> <p>14 Please don't write that down.</p> <p>15 MR. HARRIS: Could you get that</p> <p>16 on the record, please, Kim?</p> <p>17 MS. OELTJEN: He's a minor.</p> <p>18 Please.</p> <p>19 MS. RUDERMAN: All I can say is</p> <p>20 I'm glad I'm not alone with rogue</p> <p>21 teenagers in my house.</p> <p>22 MS. OELTJEN: I will send my</p> <p>23 husband a text and see if we can get</p> <p>24 that. I'm so sorry, Shannon.</p>
<p style="text-align: right;">166</p> <p>1 BY MR. HARRIS:</p> <p>2 Q. Well, I think you just testified to</p> <p>3 that the shades or the blinds being drawn</p> <p>4 were, that was done by the police, not by</p> <p>5 protesters?</p> <p>6 A. Well, the protesters were screaming</p> <p>7 with bullhorns that the shades needed to be</p> <p>8 up, they wanted visibility, and the police as</p> <p>9 well as maybe Starbucks people were trying to</p> <p>10 get them up as fast as possible.</p> <p>11 Q. I understand. So I guess my question</p> <p>12 is different. Do you recall any property</p> <p>13 damage being performed at the hands of any of</p> <p>14 the protesters?</p> <p>15 MS. OELTJEN: Objection. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: So other than</p> <p>18 like the tables getting turned over</p> <p>19 from people standing on top of them.</p> <p>20 Some -- you know, in the cafés, we</p> <p>21 have tall displays that were knocked</p> <p>22 out of the way.</p> <p>23 I'm not sure what other damage</p> <p>24 you're asking, but there was some</p>	<p style="text-align: right;">168</p> <p>1 THE WITNESS: That's okay. I</p> <p>2 just didn't want it to seem like it</p> <p>3 was coming from me.</p> <p>4 MS. OELTJEN: I'll own it. I'm</p> <p>5 so sorry.</p> <p>6 MR. HARRIS: Kate, there's no</p> <p>7 problem with that. I would be</p> <p>8 surprised if that didn't happen by</p> <p>9 now.</p> <p>10 MS. OELTJEN: That actually is</p> <p>11 the first time that someone other</p> <p>12 than me has heard my children</p> <p>13 swearing on the Xbox. So I'm sorry.</p> <p>14 MR. HARRIS: It sounds like</p> <p>15 you're having fun, so that's good.</p> <p>16 - - -</p> <p>17 (P-7 marked for identification.)</p> <p>18 - - -</p> <p>19 MR. HARRIS: All right. So,</p> <p>20 Rick, can you actually go to the next</p> <p>21 page, please? Oh, good, that's fine.</p> <p>22 If you can scroll down? Thank you.</p> <p>23 BY MR. HARRIS:</p> <p>24 Q. Showing you what's been marked as now</p>

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<p style="text-align: right;">169</p> <p>1 P-6 (sic), Ms. Phillips, is this an exchange 2 of text messages between you and Ben Trinsey. 3 A. Yes. It looks that way. 4 MR. HARRIS: Okay. Rick, could 5 you scroll back up so we can get the 6 date of this exchange? 7 BY MR. HARRIS: 8 Q. So it says Wednesday, May 9th. 9 Ms. Phillips, when were you separated 10 from the organization? 11 A. I believe that day. I think it was 12 Wednesday, May 9th. I would have to look at 13 my note to make sure that's the right day, 14 but I think it is. It might have been 15 before, I'm sorry. 16 Q. But it's somewhere around the same 17 time either the day before or around the time 18 that you were separated from the 19 organization? 20 A. Yes. 21 Q. Okay. And Ben Trinsey, again, for 22 the record, happened to be the district 23 manager for one of the Philadelphia markets 24 that you were responsible for?</p>	<p style="text-align: right;">171</p> <p>1 MS. OELTJEN: Just designate 2 those as "confidential". Make sure 3 if you're going to file them they get 4 redacted. 5 MR. HARRIS: Absolutely, I will 6 do so. 7 BY MR. HARRIS: 8 Q. Can you describe to us this exchange 9 between you and Mr. Trinsey, Ms. Phillips? 10 A. Sure. So he sent me a text. "This 11 is my personal cell". He had obviously 12 gotten a new number. "I heard from my sm's". 13 So he had heard from his store managers that 14 I had been, well, that I had left the 15 company. The announcement was that I was 16 leaving the company. 17 And, obviously, he feels bad, "Can I 18 call you". I said, "I'm telling my mom. Can 19 I call you shortly". 20 Q. All right, sounds good. 21 MR. HARRIS: Can we go to the 22 next page? 23 BY MR. HARRIS: 24 Q. All right. Can you describe the top</p>
<p style="text-align: right;">170</p> <p>1 A. The one that I had placed on leave of 2 abs-, on suspension the day before I was let 3 go, yes. 4 Q. And for the record, Ms. Hymes told 5 you to place Ben Trinsey on suspension 6 pending the outcome of the investigation? 7 A. That's correct. 8 Q. Okay. So this is an exchange either 9 on or about or sometime thereafter you were 10 separated from the organization between you 11 and Mr. Trinsey? 12 A. Correct. 13 Q. Okay. And at the top is -- in gray, 14 that's Ben texting you. Is that accurate? 15 And you're in the blue? 16 A. Yes. 17 Q. Okay. 18 MS. OELTJEN: Rich, just a 19 housekeeping item. I see a telephone 20 number showing up on here that I 21 should have redacted, so if we can 22 mark -- 23 MR. HARRIS: Okay. Yes, sure. 24 For sure, absolutely.</p>	<p style="text-align: right;">172</p> <p>1 of this exchange, Tim Osevala? 2 A. Osevala. 3 Q. Osevala, okay. And who is Tim 4 Osevala? 5 A. He was another one of my district 6 managers. He showed up at my house crying 7 the day that he got the news that I had left 8 the organization, and I said, "He said he 9 e-mailed Camille", that was my boss, "that 10 his SMs want to know how to reach out to me 11 to say thank you". 12 Q. Okay. And, again, this exchange is 13 between you and Ben continuing talking about 14 you and what kind of leader you were to him? 15 A. Yes. 16 Q. Okay. 17 MR. HARRIS: Can we go to the 18 next page? 19 BY MR. HARRIS: 20 Q. All right. Again, this is between 21 you and Ben Trinsey, yes? 22 A. Yes, uh-huh. 23 MR. HARRIS: Can you scroll 24 down some more? You can continue.</p>

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<p style="text-align: right;">173</p> <p>1 All right. You can continue through</p> <p>2 this as well. All right, you can</p> <p>3 stop here.</p> <p>4 BY MR. HARRIS:</p> <p>5 Q. All right. Can you describe what</p> <p>6 this exchange was about?</p> <p>7 A. This is about the Safe and Welcoming</p> <p>8 policy that I mentioned that was in place,</p> <p>9 and so Ben is saying, "I'm sure you're</p> <p>10 already aware but this is the very Specific</p> <p>11 error in the training. I'm sure this would</p> <p>12 help you in your case", as to why this</p> <p>13 incident had happened in the first place.</p> <p>14 Q. All right, let's con- --</p> <p>15 MR. HARRIS: I'm sorry. Can we</p> <p>16 highlight that, Rick, so that we're</p> <p>17 talking about -- so you and I are</p> <p>18 referring to the same information?</p> <p>19 THE VIDEOGRAPHER: I apologize.</p> <p>20 What am I highlighting?</p> <p>21 MR. HARRIS: Can you highlight</p> <p>22 the portion that shows a copy or a</p> <p>23 snapshot of the policy, the Safe and</p> <p>24 Welcoming Place? And there's a</p>	<p style="text-align: right;">175</p> <p>1 the top it says Role Play Card. So,</p> <p>2 as part of the Safe and Welcoming</p> <p>3 training, there were specific</p> <p>4 scenarios that were role plays that</p> <p>5 they would read through and kind of</p> <p>6 discern how to respond if this was</p> <p>7 what was happening.</p> <p>8 So this is one of those Role</p> <p>9 Play Cards, but I can't really read</p> <p>10 what it says. I'm sorry.</p> <p>11 BY MR. HARRIS:</p> <p>12 Q. Okay, no problem.</p> <p>13 MR. HARRIS: Can we go to the</p> <p>14 next one? Can we scroll down, Rick?</p> <p>15 Thank you.</p> <p>16 BY MR. HARRIS:</p> <p>17 Q. But you remember reviewing this after</p> <p>18 when Ben sent this to you?</p> <p>19 A. I had actually already e-mailed the</p> <p>20 information to myself, so I already had it,</p> <p>21 but I sent myself all of the Safe and</p> <p>22 Welcoming training.</p> <p>23 Q. When did you do that, Ms. Phillips?</p> <p>24 A. I want to say it was May 3rd, but I</p>
<p style="text-align: right;">174</p> <p>1 highlighted portion, there's a</p> <p>2 section that's been highlighted. Can</p> <p>3 we go to that? I don't know if you</p> <p>4 can make that larger.</p> <p>5 THE VIDEOGRAPHER: Yes, it's</p> <p>6 distorted. Blowing it up more will</p> <p>7 increase the resolution of that</p> <p>8 section.</p> <p>9 MR. HARRIS: Okay.</p> <p>10 THE VIDEOGRAPHER: Because it's</p> <p>11 a screenshot.</p> <p>12 BY MR. HARRIS:</p> <p>13 Q. Are you able to see what that says,</p> <p>14 Ms. Phillips?</p> <p>15 A. No. I'm sorry.</p> <p>16 Q. Nor am I. Okay. But this is the</p> <p>17 Safe and Welcoming Place Role Play Card. So</p> <p>18 this is the document you were referring to</p> <p>19 that Ms. Hylton relied on when she called the</p> <p>20 police on the two individuals in the store?</p> <p>21 MS. OELTJEN: Objection.</p> <p>22 THE WITNESS: This specific</p> <p>23 card was a Role Play Card, so it was</p> <p>24 part of the training. I can see at</p>	<p style="text-align: right;">176</p> <p>1 could be off on that date.</p> <p>2 Q. Was that consistent with company</p> <p>3 policy to e-mail proprietary information to</p> <p>4 yourself?</p> <p>5 MS. OELTJEN: Objection. You</p> <p>6 can answer.</p> <p>7 THE WITNESS: No, it was not.</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. Okay. Was the policy public?</p> <p>10 A. The Safe and Welcoming policy?</p> <p>11 Q. Yes.</p> <p>12 A. I don't think it was private.</p> <p>13 Because we had a Code of Conduct that was</p> <p>14 printed and hanging in every store. And part</p> <p>15 of Safe and Welcoming was "restrooms are for</p> <p>16 customer use only" and we had signs that said</p> <p>17 that in every restroom, so it wasn't a</p> <p>18 secret.</p> <p>19 Q. Was the information in the Safe and</p> <p>20 Welcoming card, was that in an area that only</p> <p>21 could be viewed by employees or by customers</p> <p>22 as well?</p> <p>23 A. Only by partners.</p> <p>24 Q. Okay. "Partners" meaning employees?</p>

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<p style="text-align: right;">177</p> <p>1 A. That's correct. I'm sorry, they 2 don't call them employees at Starbucks. 3 Q. Right, partners, correct. I 4 understand. 5 MR. HARRIS: Okay. Can we go 6 to the next one? 7 BY MR. HARRIS: 8 Q. Did you think that that policy was 9 going to help you in your lawsuit as Ben 10 suggested? 11 MS. OELTJEN: Objection. You 12 can answer. 13 THE WITNESS: I think the 14 policy was flawed, and I think it led 15 to the scenario that happened which 16 ultimately led to me being let go. 17 So I felt like the policy was a big 18 part of what caused this incident to 19 happen in the first place, and the 20 incident is what caused me to be 21 separated when I was told the 22 situation is not recoverable. 23 BY MR. HARRIS: 24 Q. Okay. All right. When you say, when</p>	<p style="text-align: right;">179</p> <p>1 Q. And it says, this is Ben, he says, 2 "Sbux", so Starbucks, "finally called me 3 about an hour ago. I have a phone interview 4 with the Friday morning". What was he 5 referring to here? 6 A. I don't remember. I'm sorry. I 7 don't recall. 8 Q. Do you know if Ben informed you that 9 he was, had reached out to potentially 10 getting another role within the organization 11 and that's what he was referencing here in 12 this text message? 13 A. No. He didn't have an interview for 14 a different role, no. 15 Q. When he says "I have a phone 16 interview with the Friday morning", what was 17 he referring to here? 18 A. I would be guessing, but maybe a 19 phone interview with like the PRSC about the 20 investigation that was taking place maybe. 21 I'd be guessing though. I'm not -- he 22 definitely wasn't interviewing for another 23 role. When he says "interview", that's 24 not -- he doesn't mean an interview for a</p>
<p style="text-align: right;">178</p> <p>1 you're talking about the people that are 2 going to pay, are you talking about the 3 entire organization or are you talking about 4 someone in particular? 5 When you say, "Maybe. Those Bs are 6 gonna pay", are you talking about the entire 7 company or are you just talking about a 8 certain individual or individuals, plural? 9 A. I am not even sure what I was talking 10 about. Honestly, I was probably in shock. 11 And it's been a few years since I typed that 12 text message, so I don't know who I was 13 thinking about. 14 MR. HARRIS: Can you scroll 15 down, please? All right, keep going. 16 BY MR. HARRIS: 17 Q. When you say "sons of bitches", are 18 you talking about the entire organization or 19 are you talking about someone in particular? 20 A. I don't remember. I don't really 21 remember. I'm sorry. 22 MR. HARRIS: As you scroll down 23 -- okay, we can go to the next page. 24 BY MR. HARRIS:</p>	<p style="text-align: right;">180</p> <p>1 different role. 2 Q. Okay. 3 MR. HARRIS: All right. Can 4 you go to the next page, please? All 5 right. Can you go to the next page? 6 BY MR. HARRIS: 7 Q. Can you describe what this actually 8 exchange deals with? 9 A. Can you go right prior to that? 10 "They said would likely get a call back next 11 week". I'm just not sure what he was talking 12 about. 13 Q. Sure. 14 A. Oh. Allyn and Jaicee, those were the 15 two assistant managers. Okay, and -- 16 Q. So Allyn was whom? 17 A. Was the assistant manager that was 18 making more than Jaicee -- 19 Q. Okay. And what -- is there -- 20 A. I'm sorry, I -- 21 Q. What does Ben say in response to 22 that? 23 A. Ben's response, "They said would 24 likely get a call back next week".</p>

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<p style="text-align: right;">181</p> <p>1 Q. Okay. So that's dealing with the 2 investigation, if I understand the exchange 3 correctly? 4 A. I think so. 5 Q. All right. 6 A. Yes. 7 Q. So, if I understand this exchange, 8 Ben is describing that there was actually an 9 investigation regarding the allegations made 10 by Allyn in reference to her pay in 11 connection to Jaicee. Is that fair? 12 MS. OELTJEN: Objection. You 13 can answer. 14 THE WITNESS: You have that 15 backwards. Jaicee was the one 16 complaining that Allyn -- 17 BY MR. HARRIS: 18 Q. About Allyn, that's right. I'm 19 sorry. 20 A. That's okay. 21 Q. And that's what I'm referring to. So 22 Jaicee was complaining about Allyn, but 23 that's what Ben was referring to when he was 24 saying that he was being interviewed in</p>	<p style="text-align: right;">183</p> <p>1 Because I didn't remember -- I mean I 2 remember Layla having some performance 3 issues, but I -- if somebody says "I'm not 4 getting promoted because of my age", I wasn't 5 sure if she was saying "because I'm too old" 6 or "because I'm too young". I wasn't sure 7 what her complaint was. 8 Q. Understood. 9 MR. HARRIS: I'm sorry, could 10 you go back, Rick? There was -- can 11 you scroll up? Keep going. And I 12 believe there's an exchange where Ben 13 says something about a pay 14 calculator. Can you keep going? 15 THE WITNESS: Oh, the salary 16 calculator. 17 MR. HARRIS: The salary 18 calculator? 19 MS. OELTJEN: It's at the 20 bottom of that page that you're on. 21 MR. HARRIS: Can we go down? 22 There we go. Does it say -- keep 23 going. There we go. 24 BY MR. HARRIS:</p>
<p style="text-align: right;">182</p> <p>1 connection to the investigation? 2 A. I think so. The phone interview, 3 that sounds like that's what it was about. 4 It's been a while, but -- 5 Q. And then there's a discussion 6 regarding a Layla. Who might that be? And 7 who is Layla? 8 A. She was a former partner that no 9 longer worked for us. 10 Q. And was there an investigation 11 regarding Layla? 12 A. Her -- Layla's mother had sent a 13 letter after the April incident saying that 14 her daughter Layla had not been promoted and 15 she should have been. And in the letter, 16 actually, Layla's mom, I believe if I 17 remember correctly, said it was because Layla 18 was Muslim and was in, you know, her full 19 attire. But then apparently Ben is saying 20 that she felt she wasn't getting promoted 21 because of her age. And I said, "How old is 22 she? Did she think she was too young or too 23 old", with regard to her age and not getting 24 promoted.</p>	<p style="text-align: right;">184</p> <p>1 Q. All right. And this is from Ben. So 2 Ben is responding to you where they're 3 talking about Layla, but then he says, "And 4 why Allyn was being paid more than Jaicee. 5 Just explained I used my pay calculator and 6 due to Allyn's masters degree Joyce 7 recommended more". 8 So, when it says that "I used pay 9 calculator", that suggests that Ben used a 10 pay calculator, not someone other than him. 11 Does it not? 12 A. That's sort of the way it reads, but 13 that's incorrect. Joyce was the one who 14 would have access to the salary calculator. 15 I didn't even have access to it, so I know 16 Ben didn't. 17 Q. But does he not say that in this text 18 message exchange that he did have pay calc- 19 that he used pay calculator? 20 A. That's what it says. My guess is he 21 meant to say, "Just explained Joyce used pay 22 calculator and due to Allyn's masters degree 23 Joyce recommended more". 24 That's what he would have meant.</p>

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<p style="text-align: right;">185</p> <p>1 That's not exactly what it says, but you're</p> <p>2 -- I can tell you that Ben didn't have access</p> <p>3 to the calculator, the salary calculator. I</p> <p>4 didn't even have it. So it was something</p> <p>5 Partner Resources had.</p> <p>6 MR. HARRIS: Can you go down,</p> <p>7 Rick? Continue. So his -- stop</p> <p>8 there.</p> <p>9 BY MR. HARRIS:</p> <p>10 Q. It says, "I think she was older than</p> <p>11 that", and then it goes to say, "You didn't.</p> <p>12 Have any say in Jaicee's pay". And then he</p> <p>13 says, "I know. Pay calculator". Is that</p> <p>14 what he says?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did you say Ebony was the one</p> <p>17 asking you the questions? "She knows how pay</p> <p>18 works". "Nope. It was holly from the" --</p> <p>19 what's the "bec"?</p> <p>20 A. Business Ethics and Compliance.</p> <p>21 Q. Okay.</p> <p>22 A. And it looks like, "When Holly checks</p> <p>23 in on the process, she'll know that's</p> <p>24 correct. DMs don't determine pay".</p>	<p style="text-align: right;">187</p> <p>1 safety certified.</p> <p>2 Q. Okay. And then you said it's not a</p> <p>3 terminable offense or separated for it. But</p> <p>4 "maybe a corrective action", that's what he</p> <p>5 says.</p> <p>6 A. You would never get separated for</p> <p>7 that, right. And he said "maybe I'd get a</p> <p>8 corrective action", yes.</p> <p>9 Q. Okay. So doesn't this seem to</p> <p>10 suggest that they were not only looking into</p> <p>11 the pay issue but also the safety</p> <p>12 certification issue as well? So it wasn't</p> <p>13 just one isolated incident that was being</p> <p>14 investigated but more than one other issue --</p> <p>15 MS. OELTJEN: Objection. You</p> <p>16 can answer.</p> <p>17 BY MR. HARRIS:</p> <p>18 Q. -- as it relates to Ben Trinsey?</p> <p>19 MS. OELTJEN: Objection. You</p> <p>20 can answer.</p> <p>21 THE WITNESS: The way I would</p> <p>22 read this is they were looking for</p> <p>23 something.</p> <p>24 BY MR. HARRIS:</p>
<p style="text-align: right;">186</p> <p>1 MR. HARRIS: Okay, keep going</p> <p>2 down.</p> <p>3 BY MR. HARRIS:</p> <p>4 Q. And Ben says, "Apparently I do have</p> <p>5 an opportunity on food safety certifications.</p> <p>6 It sounds like my sm's were not following the</p> <p>7 process for getting their ssv's certified.</p> <p>8 Definitely a miss on my part but also they</p> <p>9 knew the process and should be held</p> <p>10 accountable for it". What is he referring to</p> <p>11 there?</p> <p>12 A. So, in the City of Philadelphia,</p> <p>13 anybody that was running a shift, a shift</p> <p>14 supervisor or above, had to be food safety</p> <p>15 certified. And so apparently the way this</p> <p>16 reads is that there were some supervisors</p> <p>17 that didn't have their certification.</p> <p>18 Because it says, "It sounds like my</p> <p>19 sm's were not following the process for</p> <p>20 getting their shifts certified. Definitely a</p> <p>21 miss on my part but also they knew the</p> <p>22 process and should be held accountable for</p> <p>23 it". So his store managers must have missed</p> <p>24 getting a shift or multiple shifts food</p>	<p style="text-align: right;">188</p> <p>1 Q. Fair, as they were looking for</p> <p>2 something. But nonetheless, he even</p> <p>3 identified, meaning "he" being Ben Trinsey,</p> <p>4 identified an issue that he missed certainly</p> <p>5 wasn't enough to rise to the level of being</p> <p>6 terminated but certainly something that dealt</p> <p>7 with an issue regarding his ability and his</p> <p>8 management of store managers?</p> <p>9 MS. OELTJEN: Objection. You</p> <p>10 can answer.</p> <p>11 THE WITNESS: That's correct.</p> <p>12 And my guess is there were also</p> <p>13 shifts in Paul's district that were</p> <p>14 missing certifications as well.</p> <p>15 BY MR. HARRIS:</p> <p>16 Q. Okay, fair point. But then there was</p> <p>17 also the issue regarding Layla regarding the</p> <p>18 allegation that was made by her mother when</p> <p>19 she sent in the note to the store saying that</p> <p>20 her daughter was not being promoted, so that</p> <p>21 dealt with an age issue.</p> <p>22 A. Well, the mother said it was because</p> <p>23 she was Muslim, but then apparently Layla</p> <p>24 said it was because of her age. And I think</p>

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<p style="text-align: right;">189</p> <p>1 I saw my text saying, "How old was she? In 2 her 30s"? Like, I don't even know how old 3 she was. That certainly had no bearing on 4 her getting a promotion or not getting a 5 promotion. 6 And then in this, it looks like 7 they're saying somebody complained he hires 8 externally. However, only 2 of his 14 9 managers were externally hired. The other 12 10 were internally promoted. So that was 11 clearly incorrect. 12 Q. Okay. But it appears that they're 13 investigating or looking into other areas of 14 his management responsibilities and duties 15 separate and apart from the issue regarding 16 Jaicee and Allyn's pay? 17 MS. OELTJEN: Objection. You 18 can answer. 19 THE WITNESS: It looks that 20 way. 21 MR. HARRIS: Okay. Can you go 22 down, please? 23 BY MR. HARRIS: 24 Q. And so this text message exchange</p>	<p style="text-align: right;">191</p> <p>1 12 of 14 were internal. 2 So were they looking at that? 3 I think any complaint at that point 4 that came forward they were looking 5 at. 6 BY MR. HARRIS: 7 Q. Understood. 8 MR. HARRIS: Can you scroll 9 down, please? I'm going to pass this 10 because I think that's just 11 confidential information, so we'll go 12 through that. 13 BY MR. HARRIS: 14 Q. Now, without actually going on the 15 details of Mr. Trinsey's separation, was he 16 still with the organization when you were 17 having this exchange with him? 18 A. No. He was already gone. 19 Q. Okay. And so he informed you as to 20 the details of his separation in that text 21 message exchange? 22 A. I'm sorry, it's not on the screen 23 anymore. 24 Q. All right.</p>
<p style="text-align: right;">190</p> <p>1 deals with his hiring practices. 2 of 4 were 2 hired externally as opposed to internally. 3 Is that what that means? 4 A. So, out of 14 store managers, 2 were 5 externally hired, the other 12 internally 6 promoted. 7 Q. Okay. And what's the preference or 8 the value within the organization? Is the 9 preference to hire internally, to promote 10 within? 11 A. It is a big part of the culture to 12 develop the people internally, yes, and then 13 we also -- they also appreciated sometimes an 14 outside perspective. So we would hire 15 externally as well, but certainly, internals 16 were given preference, yes. 17 Q. So that was something they were also 18 assessing as it relates to Ben as well? 19 MS. OELTJEN: Objection. You 20 can answer. 21 THE WITNESS: From the text, it 22 looked like somebody said he hires 23 too many externals was a complaint. 24 Clearly, that wasn't correct because</p>	<p style="text-align: right;">192</p> <p>1 MR. HARRIS: It's in the 2 previous -- could you go up, Rick? 3 THE WITNESS: "6 months 4 severance plus they won't contest 5 when I apply for unemployment". 6 BY MR. HARRIS: 7 Q. Okay. Now, that was a standard 8 separation, correct? That was nothing that 9 he -- I mean, based on his years of service 10 and tenure within the organization, that 11 would have been a consistent severance? 12 MS. OELTJEN: Objection. You 13 can answer. 14 THE WITNESS: I don't know. I 15 never gave a severance package to a 16 district manager before. 17 BY MR. HARRIS: 18 Q. Okay. How long had Mr. Trinsey been 19 working for the organization? 20 A. 15 years. 21 Q. "6 months", does that seem to be fair 22 based on his tenure with the organization in 23 your estimation? 24 MS. OELTJEN: Objection. You</p>

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<p style="text-align: right;">193</p> <p>1 can answer.</p> <p>2 THE WITNESS: I just don't know</p> <p>3 what the standard severance package</p> <p>4 was because I never gave any. I</p> <p>5 never had any severance packages that</p> <p>6 I gave to a district manager. So I</p> <p>7 don't know if that seemed fair.</p> <p>8 BY MR. HARRIS:</p> <p>9 Q. All right. Had you given any</p> <p>10 severance packages to store managers in your</p> <p>11 market, in your region?</p> <p>12 A. Prior in 2008 when we laid off some</p> <p>13 assistant managers, I was involved in</p> <p>14 severance packages for assistant managers.</p> <p>15 Q. Ms. Phillips, are you still employed</p> <p>16 with Raymour & Flanigan?</p> <p>17 A. I am.</p> <p>18 Q. And how long have you been employed</p> <p>19 with Raymour & Flanigan?</p> <p>20 A. I was hired in August of 2018.</p> <p>21 Q. So you were out of work from roughly</p> <p>22 four months, three months?</p> <p>23 A. Three months, uh-huh.</p> <p>24 Q. Okay. And how much did you -- what</p>	<p style="text-align: right;">195</p> <p>1 were -- there's a delta between how much you</p> <p>2 were making at Starbucks versus what you're</p> <p>3 currently being employed -- versus your</p> <p>4 current compensation package?</p> <p>5 A. That's correct.</p> <p>6 Q. But you were out of work for</p> <p>7 approximately three months?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. So there's roughly a \$90,000</p> <p>10 difference between the two?</p> <p>11 A. That would be just in the salary, but</p> <p>12 I also received stock options every year as a</p> <p>13 regional director and then they would -- so,</p> <p>14 for I don't know however many years, they</p> <p>15 were vesting. So I had a lot of stock</p> <p>16 potential as well. That was taken away when</p> <p>17 I was let go.</p> <p>18 Q. Is Raymour & Flanigan a publicly</p> <p>19 traded company?</p> <p>20 A. It's not.</p> <p>21 Q. Do you participate in their, in</p> <p>22 Raymour & Flanigan's retirement package</p> <p>23 and/or portfolio?</p> <p>24 A. They have a 401(k) plan, but we found</p>
<p style="text-align: right;">194</p> <p>1 was your gross annual compensation at</p> <p>2 Starbucks?</p> <p>3 A. I remember going through the</p> <p>4 documents and my W-2s were listed, but off</p> <p>5 the top of my head, I don't remember what it</p> <p>6 was.</p> <p>7 Q. All right. And how much are you</p> <p>8 currently making approximately?</p> <p>9 A. I just got another increase in the</p> <p>10 beginning of this month, January, and now I'm</p> <p>11 at a pay plan of 160.</p> <p>12 Q. All right. Do you recall what the</p> <p>13 difference is roughly between what you're</p> <p>14 currently making versus what you made at</p> <p>15 Starbucks, what the delta is, if any?</p> <p>16 A. There's definitely a delta. I</p> <p>17 believe when I left there maybe I was making,</p> <p>18 it would be a guess, maybe 250 as my base</p> <p>19 salary but then I also had like bonus</p> <p>20 potential and stock options.</p> <p>21 Q. Okay.</p> <p>22 A. And that might be wrong. I could be</p> <p>23 off on that.</p> <p>24 Q. Okay. So, if I understand it, you</p>	<p style="text-align: right;">196</p> <p>1 out because the company was not profitable</p> <p>2 that there's not a contribution from the</p> <p>3 company.</p> <p>4 MS. OELTJEN: Can we just mark</p> <p>5 that as "confidential"? I don't know</p> <p>6 is --</p> <p>7 MR. HARRIS: Yes. Yes. I</p> <p>8 agree with that, yes, --</p> <p>9 MS. OELTJEN: Thank you.</p> <p>10 MR. HARRIS: -- that it's</p> <p>11 confidential.</p> <p>12 THE WITNESS: Not supposed to</p> <p>13 be sharing on --</p> <p>14 MS. OELTJEN: No, you're doing</p> <p>15 what you should do, and Rich and I</p> <p>16 will just mark it as "confidential".</p> <p>17 MR. HARRIS: We'll mark it as</p> <p>18 "confidential", that's right.</p> <p>19 Thanks, Kate.</p> <p>20 Can we go back to the text</p> <p>21 message exchange again, Rick? And</p> <p>22 specifically, if you can go down, and</p> <p>23 I believe it's at the bottom,</p> <p>24 right-hand corner, it's PHILLIPS-367.</p>

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50 (Pages 197 to 200)

<p style="text-align: right;">197</p> <p>1 Okay, stop there.</p> <p>2 BY MR. HARRIS:</p> <p>3 Q. And at the top, again, that's you in</p> <p>4 the blue, correct, Ms. Phillips?</p> <p>5 A. Yes.</p> <p>6 MR. HARRIS: Rick, could you go</p> <p>7 up again to the previous page? I</p> <p>8 want to get to the bottom. All</p> <p>9 right, stop there.</p> <p>10 BY MR. HARRIS:</p> <p>11 Q. So this is in reference to a story</p> <p>12 that Ben Trinsey had provided you that was in</p> <p>13 the Huffington Post, I believe? Do you</p> <p>14 recall that?</p> <p>15 A. He's telling me that Dina Romang got</p> <p>16 fired. He said, "Dina", and I said, "Romang?"</p> <p>17 I heard. Last Friday". And he said he</p> <p>18 didn't realize she had been let go, and I</p> <p>19 said the story is that she gave a pound of</p> <p>20 coffee to a vendor.</p> <p>21 Q. Got it.</p> <p>22 MR. HARRIS: I'm sorry, let's</p> <p>23 go down further. I think this is</p> <p>24 where the Huffington Post article</p>	<p style="text-align: right;">199</p> <p>1 please, Rick? And I think you can go</p> <p>2 all the way down to 373 at the</p> <p>3 bottom, right-hand corner. Oh, go</p> <p>4 up. Let me see, there's some blue</p> <p>5 there. Let me see we didn't miss</p> <p>6 anything. Okay.</p> <p>7 BY MR. HARRIS:</p> <p>8 Q. Here, it says -- you're talking about</p> <p>9 Delma. Who is Delma?</p> <p>10 A. She was another district manager in</p> <p>11 South Jersey.</p> <p>12 Q. Okay. What was she being</p> <p>13 investigated for?</p> <p>14 A. I don't remember, but apparently, if</p> <p>15 I'm saying don't say anything to Delma about</p> <p>16 her being under investigation, Ben was</p> <p>17 probably going to reach out to Delma, so I</p> <p>18 didn't want him to bring it up to her. She</p> <p>19 was probably there.</p> <p>20 MR. HARRIS: I'm sorry, can we</p> <p>21 go off the record for one moment? It</p> <p>22 looks like someone is ringing my</p> <p>23 doorbell.</p> <p>24 THE VIDEOGRAPHER: Going off</p>
<p style="text-align: right;">198</p> <p>1 comes up.</p> <p>2 BY MR. HARRIS:</p> <p>3 Q. There's a link to a Huffington Post</p> <p>4 article?</p> <p>5 A. I sent this to him, but I don't</p> <p>6 recall what this article was about. I'm</p> <p>7 sorry.</p> <p>8 MR. HARRIS: Okay, keep going</p> <p>9 down.</p> <p>10 BY MR. HARRIS:</p> <p>11 Q. Do you recall if the article dealt</p> <p>12 with whether or not Starbucks was letting go</p> <p>13 of everyone in the market that had any</p> <p>14 interaction with the April 2018 incident?</p> <p>15 MS. OELTJEN: Objection. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: Do I recall if</p> <p>18 that's what the article was about?</p> <p>19 BY MR. HARRIS:</p> <p>20 Q. Yes.</p> <p>21 A. I honestly don't have any</p> <p>22 recollection of what that article is about.</p> <p>23 Q. Okay.</p> <p>24 MR. HARRIS: Can you go down,</p>	<p style="text-align: right;">200</p> <p>1 the record, the time is 2:43 p.m.</p> <p>2 - - -</p> <p>3 (A recess occurred.)</p> <p>4 - - -</p> <p>5 THE VIDEOGRAPHER: All right.</p> <p>6 The time is 2:52. Back on the</p> <p>7 record. And I'll pull that up.</p> <p>8 MR. HARRIS: All right. Can</p> <p>9 you go up to the very top of this</p> <p>10 exchange? Right where there was the</p> <p>11 link regarding the Huffington Post</p> <p>12 article. So 367.</p> <p>13 THE VIDEOGRAPHER: I'm sorry,</p> <p>14 which?</p> <p>15 MR. HARRIS: It should say</p> <p>16 "367" at the bottom, right corner.</p> <p>17 THE VIDEOGRAPHER: Oh, 367?</p> <p>18 MR. HARRIS: Yes. Okay.</p> <p>19 BY MR. HARRIS:</p> <p>20 Q. Showing you what's been marked as</p> <p>21 Exhibit Number 6 (sic), I believe P-6 (sic),</p> <p>22 is that accurate, it's still the exchange</p> <p>23 that we were talking about a moment ago</p> <p>24 between you, Ms. Phillips and Ben Trinsey?</p>

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51 (Pages 201 to 204)

<p style="text-align: right;">201</p> <p>1 A. Yes.</p> <p>2 Q. And this was after you were separated</p> <p>3 from the organization?</p> <p>4 A. I --</p> <p>5 Q. Or either the same day or sometime</p> <p>6 thereafter?</p> <p>7 A. I'm sure it was. I don't see a date</p> <p>8 on it, but I'm sure it was.</p> <p>9 Q. Which was? Sometime afterward?</p> <p>10 A. It would have been after, right.</p> <p>11 Q. Okay. And when Ben says at the top</p> <p>12 "she's still my favorite and the best fsm",</p> <p>13 to whom was he referring?</p> <p>14 A. The person prior who said Dina Romang</p> <p>15 was no longer. She was a Facility Service</p> <p>16 Manager.</p> <p>17 Q. Okay. And you give Mr. Trinsey the</p> <p>18 Huffington Post article, correct?</p> <p>19 A. Yes.</p> <p>20 Q. As opposed to him giving you the</p> <p>21 article, you gave it to him?</p> <p>22 A. Yes.</p> <p>23 Q. And then --</p> <p>24 A. On LinkedIn.</p>	<p style="text-align: right;">203</p> <p>1 guess it's not just white people they're</p> <p>2 getting rid of. It's somebody who is</p> <p>3 complaining they're being let go because of</p> <p>4 their age or some other reason". But I</p> <p>5 don't, I don't -- that's me just guessing.</p> <p>6 Q. But, Ms. Phillips, as you sit here,</p> <p>7 you don't recall any incident in which there</p> <p>8 would have been an article after the</p> <p>9 April 2018 incident involving someone</p> <p>10 complaining about age?</p> <p>11 MS. OELTJEN: Objection. You</p> <p>12 can answer.</p> <p>13 THE WITNESS: After the</p> <p>14 April 2018 incident, lots of</p> <p>15 different articles came out about</p> <p>16 Starbucks partners complaining of why</p> <p>17 they were let go. I remember that.</p> <p>18 I --</p> <p>19 BY MR. HARRIS:</p> <p>20 Q. Do you remember any article about</p> <p>21 that would have been posted in something that</p> <p>22 you sent to Ben Trinsey that dealt with age</p> <p>23 and not race?</p> <p>24 A. I'm sorry, I don't remember what this</p>
<p style="text-align: right;">202</p> <p>1 Q. Right, on LinkedIn. It was an</p> <p>2 article on LinkedIn. You posted it to your</p> <p>3 text message. And then you say, "Saw this</p> <p>4 today...guess it isn't just white people they</p> <p>5 wanna get rid of". Is that what you said?</p> <p>6 A. That's what I said.</p> <p>7 Q. Okay. And so the article dealt with</p> <p>8 making changes as a result of the April 2018</p> <p>9 incident regarding personnel and staff. Is</p> <p>10 that your recollection of what the LinkedIn</p> <p>11 article said?</p> <p>12 MS. OELTJEN: Objection.</p> <p>13 THE WITNESS: I have no idea</p> <p>14 what the article was. I'm sorry. If</p> <p>15 you want to bring it up, I'm happy to</p> <p>16 look at it, but I just don't</p> <p>17 remember.</p> <p>18 BY MR. HARRIS:</p> <p>19 Q. Okay, no problem. But you say in</p> <p>20 response to the article "guess it isn't just</p> <p>21 white people they wanna get rid of"?</p> <p>22 A. The way I read that, my guess is this</p> <p>23 article was perhaps someone saying "I was</p> <p>24 fired for my age". And I would have said, "I</p>	<p style="text-align: right;">204</p> <p>1 article was about.</p> <p>2 Q. But you do agree with me that this</p> <p>3 was a particularly highly-charged,</p> <p>4 racially-charged incident that occurred in</p> <p>5 April of 2018?</p> <p>6 A. Yes, I agree.</p> <p>7 Q. All right. And so the discussion was</p> <p>8 regarding race. In fact, all the North</p> <p>9 American stores were shut down around</p> <p>10 Memorial Day so that individuals could</p> <p>11 receive implicit bias training. You're aware</p> <p>12 of that?</p> <p>13 A. It happened after I left, but yes,</p> <p>14 I'm fully aware.</p> <p>15 Q. Okay. And the training dealt with</p> <p>16 race? Did not deal with age, did not deal</p> <p>17 with any other areas, dealt with race</p> <p>18 specifically and whether or not implicit bias</p> <p>19 factored into the decision-making of</p> <p>20 individuals within the store?</p> <p>21 A. Are you asking me?</p> <p>22 Q. Yes, I'm asking you.</p> <p>23 A. I wasn't a part of the training. I</p> <p>24 know it was about unconscious bias. I don't</p>

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52 (Pages 205 to 208)

<p style="text-align: right;">205</p> <p>1 know if it was strictly about race or if it 2 was also about LGBT or age discrimination. I 3 don't know the answer to that because I 4 wasn't there. 5 Q. Okay, that's fair. But specifically, 6 your response to the Huffington Post article 7 dealt with, "I guess it just wasn't white 8 people they were trying to get rid of"? 9 A. That was my response. 10 MR. HARRIS: Thank you. I have 11 no further questions. Counsel may. 12 MS. OELTJEN: You have 13 surprised me by being all done, 14 Mr. Harris. So why don't we just 15 take a five-minute question -- can we 16 just take a five-minute break for me 17 to decide whether or not I'm going to 18 have any questions? 19 MR. HARRIS: Sure, absolutely. 20 THE VIDEOGRAPHER: All right. 21 Going off the record, the time is 22 2:52 p.m. 23 - - - 24 (A recess occurred.)</p>	<p style="text-align: right;">207</p> <p>1 to? 2 A. Michael Scott. 3 Q. Okay. And who is Michael Scott? 4 A. Michael used to be one of the 5 district managers on my team, so he was one 6 of my district managers and then he was 7 promoted into a different role. So, at this 8 time, he was in a role called the ROC, the 9 Regional Operations Coach. 10 Q. Okay. And was -- all right. 11 MR. HARRIS: Let's go to the 12 next top of that page. 13 BY MR. HARRIS: 14 Q. "That's funny. That is the one thing 15 I told him. He didn't believe me at first. 16 I told him.. my team was waiting for an 17 announcement but it never came". That's -- 18 Ben is referring to Mr. Scott? 19 A. I think so. His team was waiting for 20 an announcement. They never sent out an 21 announcement that Ben was not coming back to 22 the organization. So that's what he was 23 referring to. 24 Q. Understood. And then this is you in</p>
<p style="text-align: right;">206</p> <p>1 - - - 2 THE VIDEOGRAPHER: Okay. The 3 time is 2:59. Back on the record. 4 MR. HARRIS: Can you -- Rick, 5 would you be so kind as to show 6 Ms. Phillips the text message 7 exchange on PHILLIPS-373? So scroll 8 down from 367, and now we can go to 9 373. Okay, let's stop there. 10 All right, let's start at the 11 top of what's been marked as Bates 12 stamp 373 and P-6 (sic). 13 BY MR. HARRIS: 14 Q. Again, it's Mr. Trinsey at the top. 15 He says, "That's funny. That is the one 16 thing I told him. He didn't believe me at 17 first. I told him.. my team was waiting for 18 an announcement but it never came". Who is 19 Mr. Trinsey referring to? 20 A. I'm not sure. Could you go up just 21 slightly? 22 Q. Sure. 23 A. Okay. Okay. Okay. 24 Q. Okay. Who was Mr. Trinsey referring</p>	<p style="text-align: right;">208</p> <p>1 the blue again where it says, "It didn't 2 mention you not coming back...only permanent 3 leadership. Crazy! It did say thanks to 4 Paul. Whatever". So there was some sort of 5 announcement? 6 A. This was the announcement, now this 7 jogs my memory, this was an announcement of 8 the new leadership structure, so who would be 9 taking what districts, and it didn't mention 10 anything about Ben not coming back. It only 11 mentioned that I guess Brian Jerdone (ph) was 12 probably the new leader for this area. 13 Q. And Michael Scott, what was his race 14 or ethnicity? 15 A. Michael Scott? 16 Q. Yes. 17 A. Michael is white. 18 Q. Okay. And so he was promoted during 19 this time period? 20 A. No. But he was -- when I first came 21 here -- I'm sorry, that might have been 22 confusing. He was a district manager on my 23 team when I first came to the area. He had 24 been promoted into this position prior to</p>

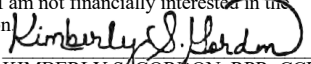
SHANNON L. PHILLIPS

53 (Pages 209 to 212)

<p style="text-align: right;">209</p> <p>1 this happening. 2 Q. And he was not terminated? 3 A. He was not a -- he didn't oversee the 4 store, so he had no direct involvement. As a 5 Regional Operations Coach, he sort of 6 supported Camille in helping coach and 7 develop leadership skills in the regional 8 directors mainly. 9 Q. Okay. And then it says, Mr. Trinsey 10 responds and says "F em". And, "Yep! They 11 got rid of everyone! Guess that's what they 12 wanted. F em!". 13 So, in that response, you don't make 14 any delineation between they got rid of 15 everyone white versus everyone black? You 16 don't make any delineation based on race in 17 this text message exchange, do you? 18 A. I do not. 19 MR. HARRIS: Thank you very 20 much. Now I'm actually done now, so 21 I don't have further questions. 22 MS. RUDERMAN: Wait. Wait. 23 Wait. Rich, before you officially 24 end Ms. Phillips' deposition --</p>	<p style="text-align: right;">211</p> <p>1 BY MR. HARRIS: 2 Q. Ms. Phillips, you have a question for 3 me? 4 A. I do. 5 THE VIDEOGRAPHER: I'm sorry, 6 one second. The time is 3:14. Back 7 on the record. 8 THE WITNESS: Can I ask now? 9 BY MR. HARRIS: 10 Q. Yes. Ms. Phillips, you have a 11 question for me? 12 A. I do. I just wanted to know if it 13 was all right if I went back and clarified 14 something about Michael Scott. 15 Q. Yes, you can. 16 A. Okay. So I said Michael Scott was my 17 district manager and then he was promoted. 18 That wasn't wholeheartedly accurate. So he 19 was my district manager, and then the regions 20 changed and he aligned to somebody else as a 21 district manager before he was promoted into 22 that position. 23 Q. Understood. 24 A. I just wanted to clarify.</p>
<p style="text-align: right;">210</p> <p>1 MS. OELTJEN: Hang on. What's 2 happening? 3 MS. RUDERMAN: Can we confer? 4 MS. OELTJEN: Yes. I was like 5 you cannot ask my client questions. 6 MS. RUDERMAN: No, I'm not 7 asking any questions at all. 8 MR. HARRIS: We can confer, 9 yes. 10 MS. RUDERMAN: I'm just asking 11 if Rich and I can confer. 12 MR. HARRIS: We can. We can 13 confer. 14 MS. OELTJEN: Carry on. I'm 15 going to -- 16 THE WITNESS: I'm sorry, I 17 didn't who was speaking. 18 MR. HARRIS: We're going to go 19 off the record. 20 THE VIDEOGRAPHER: Okay. The 21 time is 3:05. Off the record. 22 - - - 23 (A recess occurred.) 24 - - -</p>	<p style="text-align: right;">212</p> <p>1 Q. No problem at all. 2 Ms. Phillips, would you agree with 3 the statement that under Starbucks' policy 4 that if someone made an allegation dealing 5 with disparate treatment based on race that 6 the organization had an obligation to 7 investigate those allegations? 8 A. I do. 9 Q. Okay. And based on your experience 10 in 15 years with the organization, that had 11 always happened in any instance in which you 12 were aware of where someone complained about 13 race? 14 A. I was only there 13 years. 15 Q. 13 years, okay. I'm sorry. 13 16 years. 17 A. That's okay. As far as I know, when 18 someone complained of a discriminatory 19 allegation, I think that's what you said, -- 20 Q. Yes. 21 A. -- it was always investigated. 22 Certainly, if I was the leader, it was. 23 MR. HARRIS: Okay. Thank you. 24 I have no further questions.</p>

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54 (Pages 213 to 216)

<p style="text-align: right;">213</p> <p>1 MS. OELTJEN: I do not have any</p> <p>2 questions for you. But we would like</p> <p>3 to read and sign, please.</p> <p>4 MR. HARRIS: Okay. What that</p> <p>5 means, Ms. Phillips, did your counsel</p> <p>6 advise you as to what read and sign</p> <p>7 means?</p> <p>8 THE WITNESS: I don't --</p> <p>9 MS. OELTJEN: That she can't</p> <p>10 answer. But if you would like to ask</p> <p>11 her if she knows what reading and</p> <p>12 signing means, you can ask her that</p> <p>13 question.</p> <p>14 BY MR. HARRIS:</p> <p>15 Q. Yes. Do you know what reading and</p> <p>16 signing means, Ms. Phillips?</p> <p>17 A. I don't. I'm sorry.</p> <p>18 Q. All right. At the conclusion of</p> <p>19 today, there's going to be a transcript</p> <p>20 that's going to be created. After the</p> <p>21 transcript is created, Ms. Oeltjen and you</p> <p>22 will be able to go over the transcript to see</p> <p>23 if you want to make any corrections,</p> <p>24 additions, et cetera. So, after you look</p>	<p style="text-align: right;">215</p> <p>1</p> <p>2 CERTIFICATE</p> <p>3</p> <p>4 I, KIMBERLY S. GORDON, a</p> <p>5 Registered Professional Reporter, Certified</p> <p>6 Court Reporter and Notary Public of the</p> <p>7 State of New Jersey, do hereby certify that</p> <p>8 prior to the commencement of the</p> <p>9 examination, SHANNON L. PHILLIPS was duly</p> <p>10 sworn by me to testify to the truth, the</p> <p>11 whole truth and nothing but the truth.</p> <p>12</p> <p>13 I DO FURTHER CERTIFY that the</p> <p>14 foregoing is a verbatim transcript of the</p> <p>15 testimony as taken stenographically by and</p> <p>16 before me at the time, place and on the date</p> <p>17 hereinbefore set forth, to the best of my</p> <p>18 ability.</p> <p>19 I DO FURTHER CERTIFY that I am</p> <p>20 neither a relative nor employee nor attorney</p> <p>21 nor counsel of any of the parties to this</p> <p>22 action, and that I am neither a relative nor</p> <p>23 employee of such attorney or counsel, and</p> <p>24 that I am not financially interested in the</p> <p>action </p> <p>KIMBERLY S. GORDON, RPR, CCR</p> <p>Notary Number: 2165607</p> <p>Notary Expiration: 5/23/2024</p> <p>Dated: FEBRUARY 9, 2021</p> <p>(The foregoing certification</p> <p>of this transcript does not apply to any</p> <p>reproduction of the same by any means,</p> <p>unless under the direct control and/or</p> <p>supervision of the certifying reporter.)</p>
<p style="text-align: right;">214</p> <p>1 over it, you review it and if after you've</p> <p>2 either made any corrections or additions or</p> <p>3 omissions, then you can actually sign that</p> <p>4 document verifying its accuracy, and that's</p> <p>5 what read and sign means.</p> <p>6 A. And this will come to me like via</p> <p>7 e-mail or something? How will I get it?</p> <p>8 MS. OELTJEN: I can -- we can</p> <p>9 go off the record and I can explain</p> <p>10 it to you.</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. HARRIS: However form she</p> <p>13 deems appropriate.</p> <p>14 THE WITNESS: Okay, thank you.</p> <p>15 THE VIDEOGRAPHER: I will go</p> <p>16 off the record. The time is</p> <p>17 3:17 p.m. That concludes this</p> <p>18 deposition. Going off the record.</p> <p>19 - - -</p> <p>20 (Witness excused.)</p> <p>21 (Deposition concluded at 3:17 p.m.)</p> <p>22 - - -</p> <p>23</p> <p>24</p>	<p style="text-align: right;">216</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition</p> <p>4 over carefully and make any necessary</p> <p>5 corrections. You should state the reason in</p> <p>6 the appropriate space on the errata sheet for</p> <p>7 any corrections that are made.</p> <p>8 After doing so, please sign the</p> <p>9 errata sheet and date it.</p> <p>10 You are signing same subject to</p> <p>11 the changes you have noted on the errata</p> <p>12 sheet, which will be attached to your</p> <p>13 deposition.</p> <p>14 It is imperative that you</p> <p>15 return the original errata sheet TO THE</p> <p>16 DEPOSING ATTORNEY within thirty (30) days of</p> <p>17 receipt of the deposition transcript by you.</p> <p>18 If you fail to do so, the deposition</p> <p>19 transcript may be deemed to be accurate and</p> <p>20 may be used in court.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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55 (Pages 217 to 218)

217

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218

1
 2 ACKNOWLEDGMENT OF DEPONENT
 3

4 I, _____, do
 5 hereby certify that I have read the foregoing
 6 pages, 1 - 218, and that the same is a
 7 correct transcription of the answers given by
 8 me to the questions therein propounded,
 9 except for the corrections or changes in form
 10 or substance, if any, noted in the attached
 11 Errata Sheet.
 12
 13
 14

15 SHANNON L. PHILLIPS DATE
 16
 17
 18

19 Subscribed and sworn
 20 to before me this

21 _____ day of _____, 20____.

22 My commission expires: _____
 23
 24

23 _____
 24 Notary Public

EXHIBIT B

WELCOME

PARTNER GUIDE

A Guide to Your Partner Experience
U.S. Store Edition



STARBUCKS XXXXXX

STARBUCKS®

HOW WE COMMUNICATE

Starbucks reputation for integrity flows from our steadfast commitment to our core values and principles found in Our Mission: *To inspire and nurture the human spirit—one person, one cup, and one neighborhood at a time*. Starbucks values its partners and depends on them to fulfill Our Mission.

Partners are expected to communicate with other partners and customers in a professional and respectful manner at all times. The use of vulgar or profane language is not acceptable.

Several resources are available to help partners communicate their concerns, provide input about our business practices and report matters that fail to uphold the company's legal, ethical and moral objectives.

Partner Communication with Manager

Starbucks has created a vital learning community for the sharing of talents, skills, knowledge and personal qualities. We strive to enrich our understanding and culture by focusing on a shared mission and value system. The essence of management development and training is supported by Starbucks acknowledgment that our managers and partners are the company's finest assets.

The most important working relationship a partner will have at Starbucks is the one with his or her manager, who is there for support. To provide that support, managers need to know of any concerns or questions. Partners should talk with their manager if they have any questions, concerns or suggestions regarding their position or responsibilities.

Partners who need to contact the manager during non-working hours should call the manager to talk directly rather than sending a text message.

If a partner's manager is unable to assist, questions may be referred to the district manager (or for store managers, the regional director) or the Partner Resources Support Center at (866) 504-7368.

Conflict Resolution

Starbucks endorses an atmosphere of mutual respect and support. If a partner experiences a disagreement or conflict with another partner, the partner should first discuss the problem with the other partner and make every effort to resolve it in a respectful manner. If unsuccessful, the partner should seek manager assistance in resolving the matter respectfully and professionally.

The following chart is provided as a reference guide when resolving disputes. Alternatively, partners may at any time report concerns or ask for guidance by calling the Ethics & Compliance Helpline at (800) 611-7792 or starbucks.com/helpline.

EXHIBIT C

PARTNER ACKNOWLEDGEMENT

By signing below, Partner acknowledges that he or she has received the Starbucks Coffee Company *Partner Guide for U.S. Stores* (the "*Partner Guide*"). Partner further acknowledges that he or she will take the time to thoroughly read and review the *Partner Guide*, that he or she will be expected to abide by its contents, and that his or her failure to uphold the policies and expectations set forth in this *Partner Guide* may result in corrective action, up to and including termination of employment.

Partner additionally understands that:

- The contents of the *Partner Guide* do not constitute a contract of employment or a guarantee of employment for any fixed period of time.
- Partner's employment with Starbucks Coffee Company is at will and may be terminated at any time, with or without notice.
- Starbucks Coffee Company may change its policies, practices and procedures at any time, with or without notice.
- This *Partner Guide* supersedes any and all prior personnel policies or employment handbooks provided to Partner.

Print name Shannon Phillips
 Signed Shannon Phillips
 Date 12/12/05
 Partner number _____ Store number _____

Manager: Please send the signed acknowledgement to Partner Shared Services (PSS) in the envelope provided.

STARBUCKS PARTNER GUIDE — U.S. STORES, VERSION 2

JANUARY 2005

EXHIBIT D

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS CORPORATION d/b/a STARBUCKS COFFEE COMPANY

CAMILLE HYMES
January 29, 2021

Terry Burke Reporting
Registered Professional Reporters
terryburkermr@gmail.com
(215) 205-9079

<p style="text-align: right;">Page 9</p> <p>1 accordingly. But obviously I haven't seen 2 those notes as well. So I'd ask that you put 3 those notes down until a question is being 4 asked, and you need to look at those notes to 5 refresh your recollection, then advise the 6 Court, as well as Kate and I know. 7 THE WITNESS: Okay. 8 BY MS. OELTJEN: 9 Q. And then the way that will work is 10 preserve those notes as you are looking at 11 them and if you refer to them today, then we 12 will ask that you give them to your counsel 13 and that he get them to us. 14 MR. HARRIS: Sure. 15 BY MS. OELTJEN: 16 Q. Is that a good plan? 17 A. It sounds like a plan. 18 Q. Okay. So other than that, you don't 19 have anything open on your screen, you are 20 not looking at any information? 21 A. (Witness shakes.) 22 Q. Okay, terrific. 23 We can take a break today at any 24 time for any reason. I promise you that I</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Yes. 2 Q. Is there any reason that you are not 3 able to testify truthfully today? 4 A. No. 5 Q. Are you under the influence of any 6 drug, alcohol, or medication that would 7 inhibit your ability to testify truthfully? 8 A. No. 9 Q. Are you under the influence of any 10 drug, alcohol, or medication that would 11 inhibit your ability to recall events that 12 occurred in the past? 13 A. No. 14 Q. And have you been diagnosed with any 15 medical condition that would inhibit your 16 ability to recall events that occurred in the 17 past? 18 A. No. 19 Q. Do you have any other questions of me 20 before we begin? 21 A. No. 22 Q. Okay, terrific. 23 Miss Hymes, are you currently 24 employed?</p>
<p style="text-align: right;">Page 10</p> <p>1 will take breaks periodically without regard 2 to whether or not you ask for one, but today 3 is not intended to be a physically 4 uncomfortable experience for you, so you can 5 let me know that you need a break at any 6 time. You don't need to let me know why you 7 need the break. All I ask is that you wait 8 until you finished answering a question and 9 before I get to the next one, just say I'd 10 like to take a break. 11 Does that sound okay? 12 A. It does. 13 Q. Okay. 14 I don't want you to answer any 15 question that you don't understand today. So 16 if I've asked a question that you don't 17 understand or that you need clarification 18 about, please let me know and I will try to 19 provide that clarification or I will ask a 20 better question. 21 If you proceed to answer any of 22 my questions, I am going to assume that you 23 have understood it. 24 Do you understand that?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Yes. 2 Q. And where are you employed? 3 A. Starbucks Coffee Company. 4 Q. And how long have you been employed 5 there? 6 A. Six years. 7 Q. And what is your current position? 8 A. Regional vice president for the 9 Mid-Atlantic retail operations. 10 Q. And what geographic region, I guess 11 if you could identify it by state, falls into 12 the Mid-Atlantic in Starbucks organization? 13 A. Pennsylvania, Maryland, Washington, 14 DC, Virginia, North Carolina and South 15 Carolina. 16 Q. And are you responsible for Starbucks 17 operations in full in each of those states or 18 are you responsible for parts of the states 19 that you listed for me? 20 A. For Pennsylvania, it's mostly the 21 Philadelphia area. 22 Maryland is fully mine, and so 23 are the other states and the District of 24 Columbia.</p>

Page 9

1 accordingly. But obviously I haven't seen
 2 those notes as well. So I'd ask that you put
 3 those notes down until a question is being
 4 asked, and you need to look at those notes to
 5 refresh your recollection, then advise the
 6 Court, as well as Kate and I know.
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 11 them and if you refer to them today, then we
 12 will ask that you give them to your counsel
 13 and that he get them to us.
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Page 10

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 2 to whether or not you ask for one, but today
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 6 time. You don't need to let me know why you
 7 need the break. All I ask is that you wait
 8 until you finished answering a question and
 9 before I get to the next one, just say I'd
 10 like to take a break.
 11 Does that sound okay?
 12 A. It does.
 13 Q. Okay.
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 15 question that you don't understand today. So
 16 if I've asked a question that you don't
 17 understand or that you need clarification
 18 about, please let me know and I will try to
 19 provide that clarification or I will ask a
 20 better question.
 21 If you proceed to answer any of
 22 my questions, I am going to assume that you
 23 have understood it.
 24 Do you understand that?

Page 11

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 2 Q. Is there any reason that you are not
 3 able to testify truthfully today?
 4 A. No.
 5 Q. Are you under the influence of any
 6 drug, alcohol, or medication that would
 7 inhibit your ability to testify truthfully?
 8 A. No.
 9 Q. Are you under the influence of any
 10 drug, alcohol, or medication that would
 11 inhibit your ability to recall events that
 12 occurred in the past?
 13 A. No.
 14 Q. And have you been diagnosed with any
 15 medical condition that would inhibit your
 16 ability to recall events that occurred in the
 17 past?
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 19 Q. Do you have any other questions of me
 20 before we begin?
 21 A. No.
 22 Q. Okay, terrific.
 23 Miss Hymes, are you currently
 24 employed?

Page 12

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 2 Q. And where are you employed?
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 5 there?
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 8 A. Regional vice president for the
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 11 if you could identify it by state, falls into
 12 the Mid-Atlantic in Starbucks organization?
 13 A. Pennsylvania, Maryland, Washington,
 14 DC, Virginia, North Carolina and South
 15 Carolina.
 16 Q. And are you responsible for Starbucks
 17 operations in full in each of those states or
 18 are you responsible for parts of the states
 19 that you listed for me?
 20 A. For Pennsylvania, it's mostly the
 21 Philadelphia area.
 22 Maryland is fully mine, and so
 23 are the other states and the District of
 24 Columbia.

<p style="text-align: right;">Page 25</p> <p>1 A. Yes.</p> <p>2 Q. And sales of approximately a billion</p> <p>3 dollars annually; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you had six direct reports;</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And were those all regional directors</p> <p>9 that reported to you?</p> <p>10 A. Yes.</p> <p>11 Q. And then what were the job</p> <p>12 responsibilities of the regional directors</p> <p>13 that reported to you?</p> <p>14 A. They were responsible for the same</p> <p>15 framework as I described, which is P&L</p> <p>16 responsibility, the care and consideration</p> <p>17 for our partners, our customers. And then</p> <p>18 the profitability of the business.</p> <p>19 Q. And is it fair to say that each</p> <p>20 regional director had a subset of the total</p> <p>21 region that you were responsible for?</p> <p>22 A. Correct.</p> <p>23 Q. So it would be accurate to say that</p> <p>24 their responsibilities tracked yours, but</p>	<p style="text-align: right;">Page 27</p> <p>1 DC. And TJ Wolfersberger. That makes five.</p> <p>2 Who am I missing? I may have had Linda</p> <p>3 Johnson at the time. I can't recall in the</p> <p>4 January, but I do remember her in that year</p> <p>5 that she was working for me. So I may have</p> <p>6 had five and moved to six. I can't recall.</p> <p>7 Q. We are going to look at a lot of</p> <p>8 documents today, and it is possible that in</p> <p>9 looking at some of those documents your</p> <p>10 memory will be jogged as to who your reports</p> <p>11 were. So if that happens, just let me know</p> <p>12 so that we can clarify.</p> <p>13 Does that sound all right?</p> <p>14 A. Sure.</p> <p>15 Q. Okay, terrific.</p> <p>16 And would it be fair to say that</p> <p>17 you had, between December 1st, 2014 and early</p> <p>18 2018, you had had the opportunity to assess</p> <p>19 Shannon Philips' performance in her role?</p> <p>20 A. Yes.</p> <p>21 Q. And what was your general view of</p> <p>22 Shannon's performance in that time period?</p> <p>23 A. I felt as though she was a strong</p> <p>24 performer. Her key performance indicators</p>
<p style="text-align: right;">Page 26</p> <p>1 they had a much smaller area that they were</p> <p>2 responsible for?</p> <p>3 A. Correct.</p> <p>4 Q. Okay, so let's flash forward in our</p> <p>5 discussion to January of 2018. Does that</p> <p>6 sound okay?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And in January of 2018, did</p> <p>9 you have six direct reports?</p> <p>10 A. Yes.</p> <p>11 Q. And do you recall the names of your</p> <p>12 six direct reports as of January 2018?</p> <p>13 A. I do. During that time frame, I was</p> <p>14 shifting and moving and promoting, so this</p> <p>15 may be inaccurate just for your edification</p> <p>16 because that was several years ago. And I've</p> <p>17 moved a lot of people and promoted and</p> <p>18 transferred a lot of people, so.</p> <p>19 If I can recall --</p> <p>20 Q. Yep.</p> <p>21 A. -- I had -- even at that time in</p> <p>22 January I might have not had Linda at that</p> <p>23 point. So Shannon Philips, Jen Pivarnik,</p> <p>24 Jeff Danley. I probably had Phillip Laws in</p>	<p style="text-align: right;">Page 28</p> <p>1 and her metrics were very good.</p> <p>2 Q. And when you refer to key performance</p> <p>3 indicators, what are you referring to?</p> <p>4 A. The customer connection scores. Her</p> <p>5 sales increases year over year. Her</p> <p>6 partner -- and we call employees partners --</p> <p>7 so her partner metrics in terms of stability</p> <p>8 was strong.</p> <p>9 Q. Anything else?</p> <p>10 A. I thought that she was a partner that</p> <p>11 understood our culture, that was deeply</p> <p>12 immersed in connecting with our partners, was</p> <p>13 a developer of talent.</p> <p>14 Q. And during that time period -- and</p> <p>15 again, we're December 1, 2014, to the early</p> <p>16 part of 2018, and for clarity of the record,</p> <p>17 everything -- when I say "early," I'm not</p> <p>18 referring to anything that happened after</p> <p>19 April 12, 2018, associated with the Spruce</p> <p>20 Street store in Philadelphia.</p> <p>21 A. All right.</p> <p>22 Q. During that time period, had you ever</p> <p>23 had a concern or a thought or received a</p> <p>24 complaint or any indication that Shannon</p>

<p style="text-align: right;">Page 29</p> <p>1 Phillips treated employees of different races 2 differently? 3 A. No, that did not come up, even though 4 our partners reached out to our PRO team. We 5 have discovered after that time period that 6 they had reached out, but the PRO partner 7 that was receiving all of that information 8 passed away, and so the PRO partner 9 unfortunately did not reveal all of the 10 documented complaints that were coming in 11 prior to her passing. 12 Q. Okay, so I want to unpack a little of 13 what you just said to me. 14 So should I understand from your 15 testimony that partners, I will use 16 Starbucks' language, that partners had 17 complained that Shannon Phillips had 18 discriminated against them? 19 A. Yes. 20 MS. OELTJEN: Okay. And so I'll 21 put on the record that I don't have any 22 documents that refer to that, relate to that, 23 or evidence that, and those certainly would 24 have been implicated by our document request.</p>	<p style="text-align: right;">Page 31</p> <p>1 relationships with Shannon, Ben, and Paul 2 were treated differently than those who did 3 not, who had those relationships; is that 4 right? 5 A. Correct. 6 Q. Okay. 7 And are you able to identify 8 anyone by name who provided you with this 9 information? 10 A. We instituted roundtables, and in 11 those roundtables they were strictly 12 listening sessions. And because I cannot 13 refer to my notes, I do recall one that 14 reached out to Rossann to share those 15 complaints specifically. 16 Q. Is that an employee by the first name 17 of Charlie? 18 A. That is another employee. So 19 there's -- 20 Q. Okay. 21 A. There's several that I am aware of. 22 But I can't tell you the name, 23 I'm sorry, if I can't refer to my notes or 24 look it up.</p>
<p style="text-align: right;">Page 30</p> <p>1 BY MS. OELTJEN: 2 Q. Okay. And they were about 3 Miss Phillips herself rather than about the 4 region, is that accurate? 5 A. This was with regards to her 6 conversation -- and I don't believe I have 7 any documentation either. So this is as a 8 result of the conversations that we had with 9 our partners during the time where we had 10 roundtables after April 12th where they had 11 shared that they had reached out to Shannon 12 Philips directly and their district managers, 13 and unfortunately the now deceased Joyce 14 Verino, that they had issued complaints on 15 the lack of opportunities that were being 16 provided to those that were African American 17 and/or those that had special relationships 18 with Shannon Phillips, Paul Sykes and Ben 19 Trinsey. 20 Q. Okay. So I understand the first part 21 of what you said. I just want to clarify the 22 last part of what you said. 23 So are you saying that some 24 partners felt that people that had</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. So I am just trying to understand. 2 So I understand that you told me you had a 3 roundtable and that is when you received this 4 information. 5 A. Multiple roundtables. 6 Q. Okay. 7 A. Weekly roundtables. 8 Q. And did you take notes during those 9 roundtables? 10 A. I did not. 11 Q. Okay. 12 A. The intention was to be present for 13 our partners and to understand and hear what 14 they were saying. 15 Q. And I understand you told me several 16 times that you can't refer to your notes. Do 17 you believe that the names are in the notes 18 that you created? 19 A. No. So I have, I believe I have an 20 e-mail from Rossann that has the name of a 21 partner on it. All of my e-mails were sent 22 for discovery. So I think there was a scan 23 and that e-mail from Rossann includes 24 Rossann's note that says racial</p>

<p style="text-align: right;">Page 49</p> <p>1 action.</p> <p>2 A. Do you want me to scroll to the</p> <p>3 corrective action? I am only looking at the</p> <p>4 page in which you have open. So would you</p> <p>5 like me to continue to read past this page?</p> <p>6 Q. Yes. So you are free to toggle onto</p> <p>7 the next page, and if you need assistance,</p> <p>8 just let me know and I can force that onto</p> <p>9 your screen.</p> <p>10 A. So the -- okay.</p> <p>11 Okay.</p> <p>12 Q. Have you had a chance to review the</p> <p>13 information that appears on 46 and 47 under</p> <p>14 the green heading of "Performance and</p> <p>15 Development Processes"?</p> <p>16 A. Yes.</p> <p>17 Q. And does this, is this consistent</p> <p>18 with what you told me earlier in your mind</p> <p>19 about the progressive discipline policy -- or</p> <p>20 practice -- excuse me -- of Starbucks?</p> <p>21 A. Yes. Specifically the line that</p> <p>22 says, "In cases of serious misconduct,</p> <p>23 immediate separation from employment may be</p> <p>24 warranted."</p>	<p style="text-align: right;">Page 51</p> <p>1 was because Shannon did not have the ability</p> <p>2 to understand the gravity of the situation.</p> <p>3 There was multiple examples and evidence of</p> <p>4 her lack of curiosity, especially during the</p> <p>5 time after the incident, to understand what</p> <p>6 the partners were going through.</p> <p>7 There was, I would say,</p> <p>8 borderline insubordination when we were</p> <p>9 asking Shannon to issue a suspension to Ben</p> <p>10 because numerous allegations had come up with</p> <p>11 regards to his treatment of his partners.</p> <p>12 Additionally, during the</p> <p>13 roundtables that were actually filmed, the</p> <p>14 one specifically that was filmed and then the</p> <p>15 subsequent roundtables, either before or</p> <p>16 after, partners were calling out in distress</p> <p>17 emotionally on their experience under her</p> <p>18 leadership. And as a result of the partners'</p> <p>19 overwhelming concerns and stated issues, we</p> <p>20 felt that it was not ideal to have her</p> <p>21 continue to work in the leadership capacity.</p> <p>22 Q. Have you told me all of the reasons</p> <p>23 why Ms. Phillips was terminated?</p> <p>24 A. I think what I shared covers the</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. And that is a line that you</p> <p>2 are pulling from -- sorry -- that section</p> <p>3 appears under "Corrective Action" on</p> <p>4 STARBUCKS 47, the third paragraph down;</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And so it goes on to say,</p> <p>8 "Examples of serious misconduct include, but</p> <p>9 are not limited to," and it says "violation</p> <p>10 of safety and/or security roles"; correct?</p> <p>11 A. Along with many others.</p> <p>12 Q. Okay.</p> <p>13 A. And it is a limited list, yes, of</p> <p>14 serious misconduct.</p> <p>15 Q. Okay.</p> <p>16 Was Shannon Phillips terminated</p> <p>17 for misconduct?</p> <p>18 A. I would say yes.</p> <p>19 Q. And were you involved in the decision</p> <p>20 to terminate her?</p> <p>21 A. I was.</p> <p>22 Q. And tell me each and every reason why</p> <p>23 Miss Phillips was terminated?</p> <p>24 A. The primary reason for the separation</p>	<p style="text-align: right;">Page 52</p> <p>1 essence.</p> <p>2 Q. Well, so I am going to push you on</p> <p>3 that, Miss Hymes.</p> <p>4 A. Sure.</p> <p>5 Q. Because I am trying to understand</p> <p>6 every reason why she was terminated. So if</p> <p>7 there is a reason that you haven't shared</p> <p>8 with me, please do so. This is the time.</p> <p>9 A. This is -- okay. So may I offer one</p> <p>10 as an example?</p> <p>11 Q. So if it is a reason, I want to hear</p> <p>12 about it.</p> <p>13 A. Yeah.</p> <p>14 Q. If it is not a reason, then I don't</p> <p>15 want to hear about it. All of the reasons</p> <p>16 why she was terminated.</p> <p>17 A. So it was clear that she was not able</p> <p>18 to lead her partners in a moment of crisis.</p> <p>19 Her leadership presence, reaction response,</p> <p>20 ability to navigate through what needed to</p> <p>21 occur was not present or evident. The logic,</p> <p>22 the ability to take ownership for the way in</p> <p>23 the manner in which our partners were calling</p> <p>24 out of the experience that they had under her</p>

Page 53

1 leadership.
 2 So there was a lack of
 3 understanding, a lack of empathy, a lack of
 4 action that all came to light during and
 5 after the incident that occurred on
 6 April 12th.
 7 Q. Okay. Have you told me all of the
 8 reasons why Miss Philips was let go now?
 9 A. I believe so, yes.
 10 Q. Okay. You referred to one of the
 11 partner roundtables being filmed?
 12 A. Yes.
 13 Q. Tell me, when you say "filmed," do
 14 you mean it was video recorded?
 15 A. I believe -- I don't know if it was
 16 video recorded, but it was broadcasted.
 17 Q. And so does a recording of that exist
 18 today?
 19 A. I do not know. I know it was
 20 broadcasted, so we had a roundtable --
 21 actually, it was an auditorium of partners
 22 that came in to express what they were
 23 feeling, what concerns they had. The
 24 individuals that were participating were some

Page 54

1 of the local leaders and all of the partners
 2 that were in the market that decided to
 3 partake. And then on the other coast in
 4 Seattle, there were executive leaders and key
 5 stakeholders in the room to listen to the
 6 conversation as it unfolded.
 7 Q. Were you present?
 8 A. I was.
 9 Q. And were you present in Philadelphia
 10 or in Seattle or somewhere else?
 11 A. In Philadelphia.
 12 Q. And you said it was an auditorium?
 13 A. Yes.
 14 Q. Where was it?
 15 A. I can't remember the name of the
 16 intersection. So it was, it was inside of --
 17 we have a store and I don't recall the
 18 intersection. I'm sorry.
 19 Q. That is okay. Are you able to
 20 otherwise identify for me where in
 21 Philadelphia the -- I understand you can't
 22 tell me the exact intersection.
 23 A. No.
 24 Q. Was it at the Spruce Street store?

Page 55

1 A. No, it was not.
 2 Q. Was it at the 34th Street store?
 3 A. Yes.
 4 Sorry, I can't refer to my notes,
 5 so I apologize. This was many years ago.
 6 Q. About how many people attended in
 7 Philadelphia?
 8 A. For that conversation?
 9 Q. Yes.
 10 A. I would say somewhere in the ballpark
 11 of 30.
 12 Q. And you said there were local leaders
 13 present, is that accurate?
 14 A. Yes.
 15 Q. And who falls into the category of
 16 local leaders?
 17 A. Myself, the district managers.
 18 Michael Scott, who at the time was operating
 19 in the capacity of a regional ops coach, I
 20 believe. I think that was his title back
 21 then.
 22 And there was an absence of
 23 Shannon Phillips for the early stages of that
 24 meeting as she was late.

Page 56

1 Q. And did any -- so I count one, two,
 2 three, four, five, about five local leaders,
 3 so I am counting you, the two district
 4 managers, Michael Scott and Shannon Phillips.
 5 I get five. Does that sound about right to
 6 you?
 7 A. I'm sure there were others. I don't
 8 know if we had -- I think Nathalie Cioffi who
 9 was in PRO was in France. But we may have
 10 had a PRO leader there, but I can't recall.
 11 Q. Was Ebony Johnson, do you know if she
 12 was there?
 13 A. Yes. She may have been there, but I
 14 don't recall.
 15 Q. Okay. And so of the about 30 people,
 16 somewhere between five and six were local
 17 leaders and were the rest employees below the
 18 store manager level or were there some store
 19 managers there as well?
 20 A. I believe there were store managers
 21 there, but mostly hourly partners.
 22 Q. Okay.
 23 And was Miss Philips mentioned by
 24 name by any hourly partner that you can

<p style="text-align: right;">Page 57</p> <p>1 recall?</p> <p>2 A. I don't recall.</p> <p>3 Q. And did anyone make a specific</p> <p>4 complaint or accusation or otherwise express</p> <p>5 anger at Miss Philips during that roundtable?</p> <p>6 A. They referred to their experience,</p> <p>7 lack of positive experiences as a result of</p> <p>8 the leadership in the market. The lack of</p> <p>9 understanding to the experiences that they</p> <p>10 had, their desire to be heard, their desire</p> <p>11 for equity and inclusion.</p> <p>12 So it was an inference to the</p> <p>13 leaders that were leading the market.</p> <p>14 Q. And that would include you; right?</p> <p>15 A. Correct.</p> <p>16 Q. Okay, so we started down that path</p> <p>17 because you had told me that you believed</p> <p>18 Miss Phillips was terminated for misconduct.</p> <p>19 Do you recall that?</p> <p>20 A. For -- yes.</p> <p>21 Q. So then you took me through all the</p> <p>22 reasons why she was terminated.</p> <p>23 A. Uh-huh.</p> <p>24 Q. In your mind, are all of those</p>	<p style="text-align: right;">Page 59</p> <p>1 she was in the corner and did not engage with</p> <p>2 our partners. There were several leaders --</p> <p>3 well, actually one specifically, where I had</p> <p>4 a conversation in the concern in which her</p> <p>5 leadership presence was being demonstrated.</p> <p>6 Where our partners needed to see</p> <p>7 strength to feel as though their comments</p> <p>8 were important, we actually had to pivot,</p> <p>9 because it is the expectation of the leader</p> <p>10 to kick off the meeting and welcome the</p> <p>11 partners.</p> <p>12 And so Michael Scott specifically</p> <p>13 and I conferred that since Shannon was</p> <p>14 incapable in the moment to lead, that he</p> <p>15 could kick off the meeting and I would</p> <p>16 facilitate the conversation.</p> <p>17 Shannon remained in the corner</p> <p>18 for the entire duration of the meeting, and</p> <p>19 then following the meeting, I actually had to</p> <p>20 pull her aside.</p> <p>21 So what our partners needed to</p> <p>22 hear in that moment was I'm sorry, I hear</p> <p>23 you, and we are going to fix it, and that</p> <p>24 should come from the local leader. And in no</p>
<p style="text-align: right;">Page 58</p> <p>1 reasons equivalent to misconduct or is there</p> <p>2 one or two or three particular things that</p> <p>3 rose to the level of misconduct in your mind?</p> <p>4 A. Yes. So I can go to that specific</p> <p>5 example where it was -- that was probably one</p> <p>6 of the most important meetings to be present</p> <p>7 and to lead through. And Mrs. Phillips was</p> <p>8 extremely late for that meeting and was not</p> <p>9 able to -- did not receive those partners as</p> <p>10 they were coming in.</p> <p>11 She shared with me that she had a</p> <p>12 digestive issue, and I was concerned because</p> <p>13 when she was late I called and her voice</p> <p>14 indicated as if she was just waking up. She</p> <p>15 had ample opportunity to call me in advance</p> <p>16 that she would be missing from being present</p> <p>17 with her partners leading up to the meeting,</p> <p>18 but she did not.</p> <p>19 I would say that that is a very</p> <p>20 clear example of misconduct in terms of being</p> <p>21 available to partners or communicating in</p> <p>22 advance of being late for a very important</p> <p>23 meeting, as a very small example.</p> <p>24 To continue, when she arrived,</p>	<p style="text-align: right;">Page 60</p> <p>1 instance was she able, capable, willing or</p> <p>2 demonstrating any of that.</p> <p>3 So after that conversation, I</p> <p>4 pulled her aside to ask her to take some time</p> <p>5 off because it was evident she was unable to</p> <p>6 lead. I'm still -- I apologize, I'm still</p> <p>7 shaking because that was probably one of the</p> <p>8 most critical moments and when our partners</p> <p>9 were literally physically crying and upset</p> <p>10 and comforting one another, and she was not</p> <p>11 able to stand up as a leader and emotionally</p> <p>12 deal with what they were going through.</p> <p>13 Q. She had told you that she wasn't well</p> <p>14 that day; correct?</p> <p>15 A. When she arrived she said that her</p> <p>16 digestive issue was fine.</p> <p>17 Q. And did she share with you, there's</p> <p>18 a -- do you know a gentleman by the name of</p> <p>19 Reggie who was involved in the events around</p> <p>20 the arrests in Philadelphia?</p> <p>21 A. Yes. He was in public affairs.</p> <p>22 Q. Okay. And did Miss Philips also</p> <p>23 share with you that she had been taking calls</p> <p>24 from him at 3:30 in the morning, I guess that</p>

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1 you can see, all of the notes that were
2 coming down were to sort of outline a story
3 of drug abuse and, you know, sort of this
4 narrative of -- the narrative that was being
5 created based on what Shannon was sending me
6 was the narrative that there was some sort of
7 hostility or aggression that was happening in
8 the store to prompt Holly to call the police.
9 And this is April 14th. So this
10 is, again, through the discovery of having
11 the conversations and then realizing that
12 this, this is not the context for which this
13 situation occurred.
14 Q. Okay. So I just want to back up a
15 little bit.
16 So other than forwarding
17 information to you, have you seen a document
18 where you felt that -- that you felt
19 demonstrates that Shannon Phillips herself
20 was trying to create a narrative to explain
21 what happened with Holly?
22 A. That is correct.
23 Q. What document is that?
24 A. I'm sorry, say that one more time?

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1 Q. So I am asking you, so I see these
2 e-mails, and to me they are Shannon
3 forwarding information to you relevant to the
4 market. Right? And you have described that
5 as Shannon creating a narrative.
6 So I am trying to understand what
7 are you looking at when you are saying
8 Shannon was trying to create a narrative to
9 support Holly calling the police?
10 A. I'm just going to -- I'm not exactly
11 sure, and with all due respect, I'm not
12 exactly sure of the question.
13 Q. That is fine. I don't interpret it
14 as disrespectful when you are saying you
15 don't understand my question.
16 A. Okay.
17 Q. So I will ask it a different way.
18 A. Okay.
19 Q. Is it fair to say that you received
20 this information from Shannon and you
21 understood that information to be Shannon
22 trying to offer a narrative to explain why
23 Holly may have called the police?
24 A. Yes.

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1 Q. Have you ever heard Shannon Phillips
2 say that it was appropriate that Holly called
3 the police?
4 A. No.
5 Q. And are you aware that she was asked
6 at her deposition whether or not she would
7 have called the police herself and she
8 answered, in my opinion, emphatically that
9 she would not. Does that surprise you?
10 A. That does not surprise me.
11 Q. So I am just trying to understand are
12 you intending to infer that Shannon was
13 trying to falsely create the impression to
14 support Holly's story by providing inaccurate
15 or otherwise false information?
16 MR. HARRIS: Objection to that
17 characterization, but you can answer.
18 THE WITNESS: Okay.
19 Absolutely not infer. Shannon's
20 integrity in terms of sharing the truth.
21 I was sharing that we were
22 building context for understanding to, number
23 one, help our partners understand what was
24 going on. To be able to explain to local

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1 leadership. And then also to the media.
2 So this truly is to allow for
3 others to understand the context in which
4 this event occurred.
5 So just so that if I were to, for
6 the record, share that she was being
7 distrustful, I would say that directly.
8 BY MS. OELTJEN:
9 Q. Okay, perfect.
10 And you never found Shannon to be
11 untrustworthy?
12 A. No.
13 Q. And have you ever known Shannon to
14 lie?
15 A. I have suspected that in some
16 instances I was not getting the full truth.
17 Q. Have you ever understood that Shannon
18 was telling you something that was not true?
19 A. Yes.
20 Q. And when was that?
21 A. When she would show up late to
22 meetings.
23 Q. And how often would Shannon show up
24 late to meetings?

<p style="text-align: right;">Page 85</p> <p>1 A. I do.</p> <p>2 Q. So we've discussed Mr. Sykes and</p> <p>3 Miss Philips. Who is Ronda Knight?</p> <p>4 A. She was an asset and protection</p> <p>5 manager for Starbucks.</p> <p>6 Q. And how about Frank Adams?</p> <p>7 A. Frank Adams was, I believe, covering</p> <p>8 for Nathalie at the time in PRO.</p> <p>9 Q. When you say "PRO," are you referring</p> <p>10 to human resources?</p> <p>11 A. Yes, uh-huh.</p> <p>12 Q. And who is Melanie Keen?</p> <p>13 A. Partner resources.</p> <p>14 Q. Okay. And Mr. Borges writes to you,</p> <p>15 "Thank you for the partnership, Camille.</p> <p>16 "It appears the story hasn't</p> <p>17 gained any traction.</p> <p>18 "I do want to make sure we</p> <p>19 connect with local PD and gather any details</p> <p>20 possible from them.</p> <p>21 "Ronda: Are you able to connect</p> <p>22 with Phila PD?"</p> <p>23 Have I read that correctly?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 87</p> <p>1 I apologize. I can't recall.</p> <p>2 Q. That is fine. If you don't recall</p> <p>3 today, I just ask that you let me know that.</p> <p>4 You don't need to apologize.</p> <p>5 A. Yeah.</p> <p>6 Q. Do you recall between April 12th and</p> <p>7 April 13th discussing with Shannon any action</p> <p>8 that needed to be taken with regard to the</p> <p>9 individual who had called the police?</p> <p>10 A. I do not recall.</p> <p>11 Q. And did you know as of April 12th</p> <p>12 when you spoke to Shannon who the store</p> <p>13 manager was in the 18th and Spruce store?</p> <p>14 A. Yes.</p> <p>15 Q. And that is a woman by the name of</p> <p>16 Holly Hilton; correct?</p> <p>17 A. Correct.</p> <p>18 Q. And as of April 12th, anyway, did you</p> <p>19 have any concern that Miss Hilton had</p> <p>20 violated company policy in calling the</p> <p>21 police?</p> <p>22 A. I don't recall any conversation that</p> <p>23 I had on that day. I'm sorry.</p> <p>24 Q. And in general, does Starbucks keep a</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. So based on this e-mail is it fair to</p> <p>2 say that as of Friday morning, April 13th,</p> <p>3 the social media group at Starbucks was of</p> <p>4 the opinion that the story was not widely</p> <p>5 circulating?</p> <p>6 A. Correct.</p> <p>7 Q. It is kind of funny to look at that</p> <p>8 now. Right?</p> <p>9 Okay, so and at this point you</p> <p>10 had not had a conversation with Mr. Kelly, is</p> <p>11 that accurate?</p> <p>12 A. That is accurate.</p> <p>13 Q. Okay.</p> <p>14 At the time that you had received</p> <p>15 that last e-mail -- so we are looking at the</p> <p>16 early morning hours of Friday, April 13th --</p> <p>17 and feel free to look at your calendar to</p> <p>18 orient you to time and place, so to speak --</p> <p>19 had you had any conversation with anyone in</p> <p>20 the Philadelphia market other than Shannon</p> <p>21 Phillips?</p> <p>22 A. I don't recall.</p> <p>23 Q. And --</p> <p>24 A. I'm so sorry, it has been so long so</p>	<p style="text-align: right;">Page 88</p> <p>1 record of calls to the police by location?</p> <p>2 So meaning if I wanted to know how often the</p> <p>3 police were called in 2018 to the Spruce and</p> <p>4 18th Street store, is that a record that</p> <p>5 Starbucks keeps?</p> <p>6 A. No, not to my knowledge.</p> <p>7 Q. To your knowledge in 2018, up to</p> <p>8 April 12th, had the police been called to any</p> <p>9 other stores in your area, in the big area</p> <p>10 that you are responsible for?</p> <p>11 A. I am certain that the police have</p> <p>12 been called in the past. Specifically in the</p> <p>13 area of drug overdoses in our restrooms.</p> <p>14 Q. And is that a uniquely urban store</p> <p>15 problem?</p> <p>16 A. Yes, yes, I would say -- well, I</p> <p>17 mean -- I would say so, yes. In areas where</p> <p>18 there is high usage. So urban areas, yes.</p> <p>19 But I'm sure that's not exclusive.</p> <p>20 Q. Sure. So you may see some in</p> <p>21 suburban areas, but you are more likely to</p> <p>22 see problems associated with drug use in</p> <p>23 cities; correct?</p> <p>24 A. Yes.</p>

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1 A. No.
 2 Q. And do you know what the video was
 3 that led to the shift in approach?
 4 A. I do not.
 5 Q. Okay. So now we have covered a bit
 6 of April 12th and we are on April 13th. On
 7 either of those days, had Shannon done
 8 anything either affirmatively or by failing
 9 to do something that in your mind was a cause
 10 for termination?
 11 A. No.
 12 Q. And so would it be fair to say that
 13 as of Friday, April 13th, you did not think
 14 that the events at the Spruce and Locust --
 15 I'm sorry, at the Spruce and 18th store were
 16 going to blow up, so to speak, or garner the
 17 attention that it ultimately did?
 18 A. No.
 19 (Phillips 6 was marked for
 20 identification.)
 21 BY MS. OELTJEN:
 22 Q. Miss Hymes, I am going to try to show
 23 you things as chronologically as I can, but
 24 this is still Friday, April 13th, but it is

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1 going to be back to the morning hours.
 2 A. Okay.
 3 Q. So you should have Phillips 6 in
 4 front of you.
 5 A. I do.
 6 Q. Okay. And this is a single page --
 7 I'm sorry, a two-page document, the first
 8 page bears the stamp of STARBUCKS 323.
 9 Is that the document that you
 10 have?
 11 A. Yes.
 12 Q. Okay. And is it fair to say that in
 13 part in this e-mail exchange Miss Phillips
 14 has provided a recap of an incident involving
 15 police at the Philadelphia Starbucks?
 16 A. She provided a recap of the police?
 17 Q. I'm sorry, she provided a recap of an
 18 incident involving the police at Philadelphia
 19 Starbucks?
 20 A. Yes.
 21 Q. And you respond to her recap by saying
 22 "Outstanding recap...thank you."
 23 A. Correct.
 24 Q. Okay.

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1 I am just looking for a spot to
 2 put the sticker that isn't going to cover up.
 3 Here we go.
 4 (Phillips 7 was marked for
 5 identification.)
 6 BY MS. OELTJEN:
 7 Q. All right, so you should have in
 8 front of you Phillips 7, which, again, is
 9 another e-mail chain. If you look at the
 10 first page you should see the Bates stamp
 11 STARBUCKS 919.
 12 Is that the document that you
 13 have in front of you?
 14 A. Yes.
 15 Q. Okay. So why don't you take a moment
 16 to review this document and let me know when
 17 you are ready to answer some questions.
 18 A. Okay.
 19 (Pause.)
 20 Okay. Is there more? Wait,
 21 there might be more.
 22 Q. There are three pages, ma'am.
 23 A. (Pause.)
 24 Yeah.

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1 (Pause.)
 2 Okay. I am finished.
 3 Q. You are ready, okay.
 4 So first I have a question for
 5 you that you may not know the answer to, but
 6 if you look on the first page of this
 7 document, you see an April 14th, 2018,
 8 12:05 a.m. from John Kelly. And then if you
 9 look at the response above, it is actually
 10 dated the day prior at 9:28 p.m.
 11 Do you see that?
 12 A. I do.
 13 Q. So do you think this is a function of
 14 one employee being in Seattle and on Seattle
 15 time and another employee being on the East
 16 Coast on East Coast time?
 17 A. I don't know.
 18 Q. Okay. Do you know where John Kelly
 19 is based out of?
 20 A. John Kelly is based out of Seattle.
 21 Or was.
 22 Q. Okay. And you would certainly agree
 23 with me that the e-mail from Paul Sykes that
 24 appears at the top of Phillips 7 is

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1 in Starbucks locations was something that was
 2 impacting the Philadelphia market?
 3 A. Yes, uh-huh.
 4 ([Phillips 10](#) was marked for
 5 identification.)
 6 BY MS. OELTJEN:
 7 Q. So Miss Hymes, this is [Phillips 10](#).
 8 This, again, is an e-mail. It should be six
 9 pages long, the first page of which is
 10 STARBUCKS 885.
 11 Is that the document that you
 12 have on your screen?
 13 A. Yes.
 14 Q. Just take a moment to scroll through.
 15 I am not going to ask you questions at
 16 granular level of detail, but do whatever you
 17 need to do to answer some questions on this
 18 document.
 19 A. Yes.
 20 Q. Can you tell me generally what is
 21 plaintiff -- I'm sorry, [Phillips 10](#)?
 22 A. It is an e-mail from 2017 and it
 23 highlights the methadone clinics and the
 24 shelters that surround our stores in the

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1 city.
 2 Q. And if we look at the top of
 3 [Phillips 10](#), it is actually an e-mail from
 4 Saturday, April 14th, 2018, at 6:36 a.m. from
 5 Shannon to you forwarding a 2017 exchange;
 6 correct?
 7 A. Correct.
 8 Q. Okay. And is there -- if you are
 9 Starbucks -- I'm just trying to
 10 understand this -- if you are in your
 11 position or Shannon's position at Starbucks,
 12 why is it important to know where methadone
 13 clinics are located?
 14 A. I believe that based upon Holly's
 15 recollection of why she called the police on
 16 two African American males, was because she
 17 felt threatened. And as a result of that,
 18 the narrative that Shannon was building in
 19 terms of a reason for Holly to call the
 20 police was because there was concern of a
 21 risk or threat by these two young men.
 22 So what I believe Shannon's
 23 intention was was to create the narrative in
 24 support of the store manager.

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1 Q. Okay. So you mentioned Holly. So
 2 let's talk about Holly Hilton. Holly is no
 3 longer employed by Starbucks; correct?
 4 A. No.
 5 Q. Was it her choice to go or was it
 6 Starbucks's choice that she would go?
 7 A. She was let go.
 8 Q. And what was her reason for being let
 9 go?
 10 A. The primary reason is because we
 11 were, in our efforts to conduct an
 12 investigation, we found racist comments in
 13 her social media that was very disparaging
 14 towards African Americans.
 15 Subsequently, in reviewing the
 16 videotape, we noticed that the two men that
 17 were in the store were in the store for less
 18 than two minutes before she elected to call
 19 the police.
 20 Q. So did Starbucks reach a conclusion
 21 that Holly Hilton was racist?
 22 A. I don't think that she was separated
 23 based on what Holly was or wasn't in terms of
 24 her unconscious bias. In fact, I know that's

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1 not the case.
 2 The separation for Holly was
 3 based on extremely poor decision making.
 4 Q. Then you referenced -- so let me make
 5 sure I understand. Holly was let go for
 6 extremely poor decision making in connection
 7 with --
 8 A. Go ahead.
 9 Q. -- it was her decision to call the
 10 police on the two individuals who were in the
 11 store at 18th and Spruce; correct?
 12 A. Correct. And also, she shared that
 13 she was getting death threats and her family
 14 was being called. And so we felt like the
 15 best scenario for her was to separate.
 16 Q. Did Starbucks pay her any money to
 17 go?
 18 A. I do not know.
 19 Q. In connection with any fears that
 20 Holly articulated that she had about her own
 21 life, did Starbucks do anything to ensure her
 22 safety?
 23 A. The conversations that happened
 24 outside of business operations were between

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1 they lawyers that represent the company or --
 2 MR. HARRIS: They are both lawyers,
 3 Kate. For the record, they are both lawyers.
 4 MS. OELTJEN: That's fine. Thank
 5 you.
 6 Rich, are you going to make a
 7 representation as to whether or not they work
 8 in the legal department or acting as lawyers?
 9 MR. HARRIS: I can't make that
 10 representation, but they are both lawyers.
 11 MS. OELTJEN: Okay.
 12 ([Phillips 17](#) was marked for
 13 identification.)
 14 BY MS. OELTJEN:
 15 Q. Okay, Plaintiff's [Exhibit 17](#) should
 16 be on your screen. You should have STARBUCKS
 17 3217. It is a two-page document, so it
 18 continues to STARBUCKS 3218.
 19 A. Okay.
 20 Is there a -- I can answer the
 21 question, but is there a way we can take a
 22 break? It's two o'clock and we're on
 23 [Exhibit 17](#) and I'm sorry, I'm getting a
 24 little fatigued.

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1 Q. Okay, we can definitely take a break.
 2 A. Okay. Do you want to do that before
 3 you ask me the question or --
 4 Q. I haven't asked a question so we can
 5 take a break.
 6 A. Okay. Is ten minutes --
 7 MR. HARRIS: 15.
 8 THE WITNESS: 15 minutes work for
 9 everyone?
 10 MS. OELTJEN: Yes.
 11 THE WITNESS: Or ten minutes?
 12 MR. HARRIS: That's fine.
 13 VIDEO SPECIALIST: 1:59, we are
 14 off the record.
 15 (Recess.)
 16 VIDEO SPECIALIST: The time is
 17 2:21. We are back on the record.
 18 BY MS. OELTJEN:
 19 Q. Okay, Miss Hymes, we are back. And I
 20 had shown you before the break [Phillips 17](#).
 21 Is that the document that you
 22 have in front of you?
 23 A. Yes.
 24 Q. Simple question for you here, can you

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1 just tell me what this is?
 2 A. This is a partner communication to
 3 all non-store partners on the current state
 4 of the Philadelphia incident.
 5 Q. And what do you mean when you
 6 say "all non-store partners"?
 7 A. So these are partners that support
 8 our employees in the store, so this would be
 9 administrative staff, executives. District
 10 manager and above, for the most part,
 11 employees.
 12 ([Phillips 18](#) was marked for
 13 identification.)
 14 BY MS. OELTJEN:
 15 Q. So [Phillips 18](#) should be in front of
 16 you. I am just moving the exhibit sticker so
 17 it is not covering any words.
 18 This is a two-page document. You
 19 should have STARBUCKS 1728 to 1729.
 20 Is that what you have in front of
 21 you?
 22 A. Yes.
 23 Q. Okay. Could you take a moment to
 24 review this document and let me know when you

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1 are ready to answer some questions.
 2 A. (Pause.)
 3 Okay.
 4 Q. Can you tell me what this document
 5 is, please?
 6 A. It is a note to Shannon so that she
 7 can see the media activity that is happening.
 8 And then also reinforcement of my support.
 9 Q. And is what you write to Shannon on
 10 Sunday, April 15th, 2018, at the top of
 11 [Phillips 18](#), is everything in here accurate
 12 and reflecting how you felt at the time that
 13 you wrote the e-mail?
 14 A. Yes.
 15 Q. And had Shannon done anything to
 16 disappoint you in connection with the events
 17 at the Philadelphia store as of the time that
 18 you wrote this e-mail?
 19 A. No, no. No.
 20 ([Phillips 19](#) was marked for
 21 identification.)
 22 BY MS. OELTJEN:
 23 Q. What is in front of you is Phillips
 24 19. This is a two-page document. The first

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1 page is 1720, STARBUCKS 1720. Excuse me.
 2 And the second page is 1721.
 3 Is that the document that you
 4 have in front of you?
 5 A. Yes.
 6 Q. Could you take a moment to review it
 7 and let me know when you are ready to answer
 8 a question?
 9 MR. HARRIS: I apologize, Kate.
 10 I got knocked out of the document platform so
 11 I am going to try to get back in.
 12 MS. OELTJEN: Okay.
 13 THE WITNESS: Okay, I reviewed
 14 it.
 15 BY MS. OELTJEN:
 16 Q. I am just going to wait until your
 17 counsel is able to look at it before I ask
 18 you a question.
 19 A. Okay.
 20 MR. OELTJEN: Are you there?
 21 MR. HARRIS: I am there. Thank
 22 you.
 23 MS. OELTJEN: Okay.
 24 BY MS. OELTJEN:

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1 Q. Can you tell me what this is, please,
 2 Miss Hymes?
 3 A. Is a tick tock for Kevin's visits to
 4 Philadelphia.
 5 Q. And Kevin is?
 6 A. The CEO of Starbucks.
 7 Q. And what is a tick tock as that
 8 phrase is used within the Starbucks
 9 organization?
 10 A. It's a timeline.
 11 Q. Okay.
 12 A. Of activity.
 13 Q. And if you look at the tick tock, I
 14 see Sunday and Monday, but I don't see a
 15 month and day by number rather than day of
 16 the week.
 17 Do you agree?
 18 A. Yes.
 19 Q. And do you recall when the CEO of
 20 Starbucks came into Philadelphia?
 21 A. Not off of the exact top of my head
 22 because I can't refer to my note. But I do
 23 believe it is that Sunday, the 15th.
 24 Q. Okay.

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1 A. I'm pretty sure it was the 15th
 2 because they came very quickly.
 3 Q. Okay.
 4 A. After reviewing the videotape to see
 5 that the Donte and Rashon had only been in
 6 the store for two minutes.
 7 Q. And how did -- when did you learn
 8 that it had only been two minutes?
 9 A. Prior to their arrival.
 10 Q. And so -- I'm sorry. I thought you
 11 had finished.
 12 A. No. Prior to their arrival. We had
 13 gone through that discovery, I would say,
 14 that weekend.
 15 Q. Okay.
 16 A. And had reviewed tape.
 17 Q. Okay. And do you recall ever sharing
 18 with Shannon or being in Shannon's presence
 19 when she should have or would have learned
 20 that the gentleman had only been in the store
 21 for two minutes?
 22 A. I'm quite certain that she was
 23 informed.
 24 Q. Okay.

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1 And what leads you to say you're
 2 quite certain?
 3 A. Because it was a part of every single
 4 conversation we had once we learned that
 5 those men, there was no hostility towards the
 6 partner. There should not have been a need
 7 for threat. And so we had to go through
 8 understanding what actually took place. So
 9 continued discovery.
 10 Q. Okay.
 11 ([Phillips 20](#) was marked for
 12 identification.)
 13 BY MS. OELTJEN:
 14 Q. Miss Hymes, [Phillips 20](#) should be on
 15 your screen. This is STARBUCKS 1717.
 16 Is that what you have?
 17 A. Yes.
 18 Q. Okay. Why don't you take a moment to
 19 review this and then I will have a question
 20 or two.
 21 A. I read it.
 22 Q. Okay.
 23 Is this an e-mail from you to
 24 Shannon Phillips, Paul Sykes, Benjamin

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1 of receiving this e-mail?
 2 A. No.
 3 Q. Okay. But it is intended to be a
 4 positive message to you and Shannon; correct?
 5 A. Yes.
 6 Q. And she includes a Rudyard Kipling
 7 poem; right?
 8 A. Yes.
 9 Q. And there is irony there; right? I
 10 will withdraw that.
 11 Okay. Go ahead, did you have
 12 something to add?
 13 A. I'm not exactly sure of the irony.
 14 Q. I withdrew it, Miss Hymes. I
 15 withdrew it. You don't have to address it.
 16 A. Yeah. At this time I was not reading
 17 e-mails. I was taking care of our partners.
 18 So I apologize. These notes that were coming
 19 in, I was wholly focused on what was going on
 20 with our partners at this time. So I
 21 apologize.
 22 Q. I withdrew my comment and it was
 23 really related to the author of the poem, not
 24 to you.

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1 A. Okay.
 2 ([Phillips 25](#) was marked for
 3 identification.)
 4 BY MS. OELTJEN:
 5 Q. So if you look at [Phillips 25](#), which
 6 should be on your screen. This is STARBUCKS
 7 823.
 8 A. Okay.
 9 Q. It is a single page e-mail dated
 10 Thursday, April 19th, 2018.
 11 Is that what you have there?
 12 A. Yes.
 13 Q. Okay. And at this point in time, had
 14 there been additional protests or
 15 demonstration activity at the 18th and Spruce
 16 Street store?
 17 A. Yes.
 18 So there was activity that
 19 Saturday, which -- let me go back to that
 20 calendar that you sent.
 21 Saturday the 14th was a small
 22 protest. A larger protest on Sunday. Two
 23 protests on Monday, the 16th. And then the
 24 Omega protest was on the 22nd.

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1 Q. And to what organization are you
 2 referring when you say "the Omega protest"?
 3 A. Omega Psi Phi, which is an African
 4 American fraternity.
 5 Q. And with any of those protests, did
 6 the people come into the store?
 7 A. Yes. We actually went to go visit
 8 the protesters before the protest so that we
 9 could have a conversation with them to
 10 understand and listen to their concerns.
 11 We asked for them to try to find
 12 a reconciliation, and based on the
 13 conversations that we had in the hotel room,
 14 we ended up in the store after the protest
 15 with coffee and had connection as our stores
 16 were intended.
 17 Q. Is that with the one particular
 18 organization that was protesting or was that
 19 with every group or individual that came to
 20 protest?
 21 A. Primarily the leaders of the Omega
 22 Psi Phi fraternity.
 23 Q. Okay.
 24 So [Phillips 25](#) refers to Shannon

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1 being in the store with Paul over the
 2 weekend. Do you see that where he writes,
 3 "I'm sure Shannon will be here supporting"?
 4 A. Yes, I see that.
 5 Q. Okay. And so now we are on Thursday,
 6 April 19th.
 7 A. Uh-huh.
 8 Q. Had Miss Phillips either done or
 9 failed to do something at this point that
 10 resulted in you being unhappy with her
 11 performance?
 12 A. No. The concerns didn't really begin
 13 until maybe around this time where we started
 14 to see evidence of a lack of leadership and
 15 command in the store. Small evidence. And
 16 the partner complaints had not started to
 17 funnel in as a result of the roundtables
 18 until probably the 23rd. So I would say, as
 19 I can recall, there were hints and glimmers
 20 of concerns, but not anything that would lead
 21 me to separation.
 22 ([Phillips 26](#) was marked for
 23 identification.)
 24 BY MS. OELTJEN:

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1 might have gaps.
 2 Q. It refers to "Angela to remain the
 3 SM," and it says "8th and Bruce," but should
 4 we understand that to be "18th and Spruce"?
 5 A. Yes.
 6 Q. Okay. And who is Angela?
 7 A. Angela Grass is the store manager
 8 that was at, I want to say, 18th and Market.
 9 And so when Holly was let go, she took over
 10 the store.
 11 Q. And so since -- are you able -- if
 12 this e-mail is dated Thursday, April 19th,
 13 and it is referring to Angela to mean at 18th
 14 and Spruce, is it fair to assume that by this
 15 time Miss Hilton had been let go from the
 16 organization?
 17 A. I don't know the date at which we
 18 separated Holly. So she may have just been
 19 removed for her personal safety, mental
 20 health, that type thing. So I don't know the
 21 date in which that happened.
 22 Q. Okay, that's fine. And under
 23 "Operations," there are some other tasks that
 24 are assigned to Shannon; correct?

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1 A. Yes.
 2 Q. Okay. And then under "Leadership" it
 3 says, "Do partners exhibit excellence?" And
 4 under that it says "Assess talent and
 5 capability of partners at all levels,"
 6 and "Create people plan for Area 71"; is that
 7 right?
 8 A. Yes.
 9 Q. And that looks like that was assigned
 10 to you, that task?
 11 A. Yes.
 12 Q. So what did you do in connection with
 13 that task of assessing talent and capability
 14 of partners at all levels?
 15 A. The primary assessment of talent is
 16 the partner feedback. So really
 17 understanding what has been your experience
 18 at Starbucks. Where do you feel like you
 19 have been developed. Where do you feel like
 20 there are shortfalls. What would you say
 21 about your leader. To get a very clear
 22 picture of what it is to work for Starbucks
 23 specifically and then the impact of the
 24 leader.

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1 And that's what I was referring
 2 to in terms of the roundtables that started
 3 on, around the 23rd, and they actually did
 4 not, they were not complete by the 30th.
 5 But based on what my findings
 6 were and what I was sharing, that's when we
 7 scheduled the roundtable with Seattle, so
 8 that Seattle could understand what I was
 9 taking in.
 10 Q. Okay. So I believe you told me that
 11 you thought -- I can't remember what
 12 descriptor you used -- but my understanding
 13 was there were lots of roundtables, is that
 14 accurate?
 15 A. Yeah. Some formal, some informal.
 16 Q. Okay.
 17 A. So some were, like the exhibit that
 18 you showed earlier where there was the block
 19 for the two days --
 20 Q. Uh-huh.
 21 A. -- that is the result of our partners
 22 reaching out in distress and us to go visit
 23 to talk to those partners to find out the
 24 relevance, the authenticity of it, any

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1 evidence, anything that they could share from
 2 their perspective on their experience as a
 3 partner.
 4 So the roundtables were either
 5 formal in nature, which were typically held
 6 in the basement of 18th and Spruce.
 7 Sometimes they were held in other stores. As
 8 I mentioned, I think the 34th and Walnut was
 9 the other store that was in more of an
 10 auditorium format.
 11 And then there were literally
 12 one-on-ones that the partner was so
 13 distressed that we would take them outside of
 14 the store and have conversations that would
 15 be either at the -- some included Rossann,
 16 who was my boss's boss.
 17 Q. And that is Rossann Williams?
 18 A. Yeah.
 19 So that's what we mean by
 20 leadership and demonstration of excellence.
 21 Q. Okay. So let's break that down a
 22 little bit.
 23 First of all, I am trying to
 24 understand the type of feedback you were

<p style="text-align: right;">Page 169</p> <p>1 getting. So I certainly understand that you</p> <p>2 want me to know that partners were</p> <p>3 distressed.</p> <p>4 Was there ever a partner who came</p> <p>5 to you and said, used Shannon Phillips' name</p> <p>6 and pointed to a specific failing or action</p> <p>7 on her part that was the nature of causing</p> <p>8 their distress?</p> <p>9 A. Maybe if I could break it into</p> <p>10 categories of the complaints that they had</p> <p>11 for the local leadership either at the</p> <p>12 district manager or at the RD level.</p> <p>13 The one that stood out the</p> <p>14 greatest was this idea of favoritism. So</p> <p>15 there was a perception in the group that</p> <p>16 Shannon had special relationships with some</p> <p>17 partners over others.</p> <p>18 So it's interesting that you pull</p> <p>19 out the documents because those are the</p> <p>20 individuals that they would say Shannon had</p> <p>21 the special relationships with. So there was</p> <p>22 a differentiated experience with Shannon for</p> <p>23 those partners in which she was either close</p> <p>24 personally or professionally. Sleepovers at</p>	<p style="text-align: right;">Page 171</p> <p>1 all over the board, but for the most part, it</p> <p>2 was the African American community that would</p> <p>3 share.</p> <p>4 There were also practices that</p> <p>5 were happening in the market that would</p> <p>6 affect the effectiveness and excellence where</p> <p>7 partners would say, well, there was an</p> <p>8 unwritten rule. Paul and Ben worked on the</p> <p>9 opposite sides of Broad Street. So there was</p> <p>10 an unwritten rule that talent couldn't be</p> <p>11 exchanged across the streets.</p> <p>12 And so partners would be</p> <p>13 struggling with staffing the stores to serve</p> <p>14 the customers, and for whatever reason</p> <p>15 partners, either from a promotional</p> <p>16 standpoint or to move over, whatever, extra</p> <p>17 hours, were not allowed to cross Broad</p> <p>18 Street. This was a perception in the market</p> <p>19 that was toxic from a unification and</p> <p>20 community standpoint.</p> <p>21 Furthermore, there was one</p> <p>22 particular instance where partners were</p> <p>23 sharing that some of the work that they were</p> <p>24 doing in a store -- I can't remember the name</p>
<p style="text-align: right;">Page 170</p> <p>1 the house. Now, again, I don't have evidence</p> <p>2 of that, but the perception of a leader is</p> <p>3 important.</p> <p>4 And then there were others who</p> <p>5 felt as though there was an absence in</p> <p>6 leadership. So store managers would say that</p> <p>7 there was many times where Shannon would be</p> <p>8 scheduled to visit, those visits would be</p> <p>9 canceled. There was a particular sort of</p> <p>10 perception that if it rained, Shannon would</p> <p>11 cancel, they would already know to adjust</p> <p>12 their schedules.</p> <p>13 There were visits to specific</p> <p>14 store managers more than other store</p> <p>15 managers. There would be opportunities for</p> <p>16 promotion based on the relationships that she</p> <p>17 and the district managers had based on their</p> <p>18 personal relationships that were perceived to</p> <p>19 be greater than those that were not.</p> <p>20 So there was polarities between</p> <p>21 the partners in the exhibits that you showed</p> <p>22 me specifically to the partners that were</p> <p>23 sharing their concerns.</p> <p>24 In terms of patterns, they were</p>	<p style="text-align: right;">Page 172</p> <p>1 of the store -- but it will come to me --</p> <p>2 where they were being paid to volunteer at</p> <p>3 different facilities like YouthBuild out of</p> <p>4 the funds from the store P&L.</p> <p>5 So again, the perception -- and</p> <p>6 then going to look at, I think it was 1201</p> <p>7 Market Street, I believe it was, where we</p> <p>8 always had a high labor, couldn't figure it</p> <p>9 out. I would always ask like what is going</p> <p>10 on because the labor was really out of line.</p> <p>11 And the answer came back that we</p> <p>12 would just add more labor because of the</p> <p>13 demand, but what we were finding through the</p> <p>14 interviews is that partners were actually</p> <p>15 volunteering and getting paid through the</p> <p>16 store.</p> <p>17 And so that is a part of the</p> <p>18 conversations, the roundtable did not exhibit</p> <p>19 excellence. It was an indication that there</p> <p>20 was some level of lack of leadership.</p> <p>21 Partners were also sharing that they had come</p> <p>22 forward either to Shannon or to the district</p> <p>23 managers with their concerns, yet none were</p> <p>24 documented.</p>

<p style="text-align: right;">Page 189</p> <p>1 perception of their trust in their leader had 2 been fully and wholly damaged. 3 Q. Did any investigator that either 4 works for Starbucks or was engaged by 5 Starbucks, to your knowledge, ever conclude 6 that Mr. Trinsey discriminated against 7 specific partners because of their race? 8 A. I don't have that documentation. 9 Q. Did anyone ever tell you that any 10 investigator had concluded that Mr. Trinsey 11 had discriminated against any partner because 12 of his or her race? 13 A. I don't have that, I don't have the 14 documentation for that. 15 Q. So when you are referring to 16 something being substantiated by the 17 investigation, it was conduct other than 18 whether, the ultimate question of whether or 19 not Mr. Trinsey discriminated against 20 someone, is that accurate? 21 A. Correct. 22 MS. OELTJEN: Could we take five 23 minutes? 24 MR. HARRIS: Sure.</p>	<p style="text-align: right;">Page 191</p> <p>1 you tell me, take me through that 2 conversation, tell me what was there and what 3 exactly you remember being said? 4 A. Based on my recollection, I don't 5 recall if whether Paul Pinto was there or 6 Nathalie Cioffi. I believe it was Nathalie 7 Cioffi, but I can't confirm 100 percent. But 8 there was someone from partner resources 9 there and Shannon Phillips. 10 And we took her through a high 11 level overview of the concerns that were 12 coming through from our partners and the need 13 to remove him from leading so that we could 14 conduct a full investigation on their 15 allegations. 16 The immediate response from 17 Miss Philips was that he was being treated 18 unfairly and that there could be no way that 19 Ben was inequitable towards African Americans 20 and that she was wholly against us suspending 21 the district manager to do an investigation. 22 And she did not want to deliver the talking 23 points to Paul to put him on separation. 24 We had to reexplain what our</p>
<p style="text-align: right;">Page 190</p> <p>1 MS. OELTJEN: Thank you. 2 VIDEO SPECIALIST: 3:15. We are 3 off the record. 4 (Recess.) 5 VIDEO SPECIALIST: The time is 6 3:20. We are back on the record. 7 BY MS. OELTJEN: 8 Q. Miss Hymes, I just want to clarify a 9 couple of things. 10 So earlier you told me that, you 11 said 65 percent of the hourly workers below 12 the leadership level in the store in 13 Philadelphia are, I believe you meant to say 14 non-Caucasian, but you didn't actually -- you 15 just said 65 percent, is my recollection. 16 So is that 65 percent are white 17 or 65 percent are not white? 18 A. Based on my estimates -- 19 Q. Yes. 20 A. -- non-white. 21 Q. Okay. 22 And then you were telling me 23 about Shannon's reaction to you asking her to 24 place Mr. Trinsey on suspension. Why don't</p>	<p style="text-align: right;">Page 192</p> <p>1 process was and where we were in terms of 2 what our partners were saying and how they 3 were feeling and our responsibility to 4 understand if their allegations could be 5 substantiated to get to the truth. 6 She remained steadfast in her 7 disdain for the process, reiterated that she 8 did not agree, but said that she would do 9 what she was told. 10 I don't know if that is a quote, 11 but it was along those lines, which took 12 myself and the partner of human resources 13 aback significantly. 14 We wanted to ensure that there 15 was a witness to how she was to deliver the 16 message out of respect for Ben, because he 17 needed to understand the severity of the 18 situation and then what the next steps would 19 be so he would not be lost in ambiguity. 20 Miss Philips subsequently 21 delivered that message in a manner which was 22 unprofessional. She created a space for Ben 23 to receive that message as if she was being 24 held against her will by reading off the</p>

<p style="text-align: right;">Page 197</p> <p>1 think that Ms. Phillips would still be 2 employed by Starbucks today in some capacity? 3 MR. HARRIS: Objection to the 4 hypothetical question. You don't have to 5 answer that, ma'am. 6 BY MS. OELTJEN: 7 Q. Actually, you can answer. 8 MS. OELTJEN: Rich, we can call 9 the judge if you want. Hypotheticals are 10 okay and you asked my client -- 11 MR. HARRIS: Hypotheticals are 12 not okay. They are not. She is not an 13 expert. She is not an expert. A 14 hypothetical is inappropriate. 15 BY MS. OELTJEN: 16 Q. Miss Hymes, Miss Hymes, I am going to 17 put this question on the record and your 18 attorney -- just pause -- let him say what he 19 wants to say because we are going to preserve 20 this. 21 MR. HARRIS: That is fine. 22 BY MS. OELTJEN: 23 Q. Miss Hymes, if Shannon had done well 24 in that conversation with Ben, would you have</p>	<p style="text-align: right;">Page 199</p> <p>1 a.m., had you decided to terminate Shannon 2 Phillips? 3 A. I would say that she was -- yes. 4 Q. And so when precisely did you make 5 that decision? 6 A. Probably right around that time 7 frame, yes. 8 Q. Okay. 9 Did Ms. Cioffi's e-mail lead to 10 your ultimate decision to terminate 11 Miss Philips? 12 A. No. It was further evidence that the 13 decision that I made was the right one. 14 Q. Okay. 15 So, but you had not made the 16 decision to terminate Ms. Phillips on May 9th 17 when you started having the conversation with 18 her about putting Mr. Trinsey on suspension; 19 correct? 20 A. I think I was formulating the 21 separation at that time. 22 Q. But nothing had been finalized; 23 correct? 24 A. That timeline, I don't know, within</p>
<p style="text-align: right;">Page 198</p> <p>1 wanted to terminate her on May 9th? 2 MR. HARRIS: Objection. You do 3 not have to answer that question. 4 MS. OELTJEN: So it is Friday 5 afternoon at 3:31. We can go to the judge or 6 we can agree to bring this before the judge. 7 But I don't think that is a proper 8 instruction, Rich. 9 MR. HARRIS: You can bring it 10 before the judge at another time. That is 11 fine. 12 MS. OELTJEN: All right. 13 MR. HARRIS: You don't have to 14 answer that question, Miss Hymes. 15 MS. OELTJEN: So we will preserve 16 it. So you are not going to argue later, 17 Rich, that by failing to call the judge in 18 this moment I have waived my right to bring 19 it before the Court; correct? 20 MR. HARRIS: Of course not. 21 MS. OELTJEN: Okay. Then we can 22 carry on. 23 BY MS. OELTJEN: 24 Q. Ms. Hymes, as of May 8th at 7:28</p>	<p style="text-align: right;">Page 200</p> <p>1 the 48 hours or so, I don't recall the exact 2 moment, when we started to initiate the 3 paperwork for the separation. But that -- I 4 don't know what date that was. That was the 5 8th? So that was, for me, evidence that the 6 decision that I made to separate Shannon was 7 the right one, unfortunately. 8 Q. So was her conversation with you and 9 Paul Pinto and Nathalie Cioffi about Ben 10 Trinsey a factor in her termination or not a 11 factor in her termination? 12 A. I don't think that that was a factor. 13 It was just evidence at that point that the 14 decisions that I was making were the right 15 ones. 16 So for the exact date of when we 17 started to draw the paperwork was somewhere -- 18 I don't know the exact date, but based on all 19 of the roundtable conversations, a week or 20 two before that was leading me to a space 21 where we had to figure out how we would 22 support Shannon in the moment. We had 23 considerations of maybe moving her out of 24 that role because of the behaviors in those</p>

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<p>1 weeks leading up to the roundtables.</p> <p>2 And then ultimately that time</p> <p>3 where she was mentally absent from the</p> <p>4 May 2nd experience with our partners really</p> <p>5 trying to navigate how do we ensure that</p> <p>6 Shannon has a soft landing.</p> <p>7 We explored maybe something</p> <p>8 outside of the region in like a community</p> <p>9 leader role, which was starting to evolve.</p> <p>10 And then as more information came in, we</p> <p>11 changed the organizational structure. More</p> <p>12 information came in, sort of the behaviors</p> <p>13 that were coming through from Shannon, the</p> <p>14 observations that others were making, it just</p> <p>15 made sense to move forward with the</p> <p>16 separation because I did not have confidence</p> <p>17 that she could lead through the repair of</p> <p>18 what our partners were telling us what's</p> <p>19 happening to them in the market.</p> <p>20 Q. And so again, in connection with what</p> <p>21 the partners were telling you -- so I'm</p> <p>22 really looking for specifics -- I want to</p> <p>23 know, you know, partner John Smith told me</p> <p>24 that Shannon had done A, B, C, and that was</p>	<p>1 your question in terms of not conflating, but</p> <p>2 that is actually the responsibility of the</p> <p>3 leader, to maintain an environment where they</p> <p>4 feel like they are, their issues have been</p> <p>5 addressed, that their leaders are handling</p> <p>6 complex and difficult situations in a manner</p> <p>7 that would support their growth and</p> <p>8 development. And out of those conversations</p> <p>9 and roundtables, I determined that Shannon</p> <p>10 was not fit for the role.</p> <p>11 Q. So is it -- I'm generally trying to</p> <p>12 understand what you are saying.</p> <p>13 So --</p> <p>14 A. Sure.</p> <p>15 Q. So should I take away from this that</p> <p>16 as a result of negative feedback that you</p> <p>17 received about the experience of partners</p> <p>18 working in Philadelphia, that without those</p> <p>19 partners attributing it to Shannon, that you</p> <p>20 as her boss attributed it to Shannon because</p> <p>21 it is something that she should have</p> <p>22 addressed?</p> <p>23 A. She is responsible for the partner</p> <p>24 experience and the customer experience, along</p>
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<p>1 not acceptable. That's not a hypothetical.</p> <p>2 It is just an example. I am trying to, are</p> <p>3 you -- and I don't want a situation.</p> <p>4 My question is really intended to</p> <p>5 know what people said to you about Shannon?</p> <p>6 And I don't want to conflate the area with</p> <p>7 Shannon. So what were the specific -- who</p> <p>8 was specifically making a complaint to you</p> <p>9 about Miss Philips herself rather than</p> <p>10 dissatisfaction with the area that you</p> <p>11 attributed to Miss Phillips?</p> <p>12 MR. HARRIS: If you can answer,</p> <p>13 Miss Hymes.</p> <p>14 THE WITNESS: Sure.</p> <p>15 So there were multiple instances</p> <p>16 where we would have roundtables with</p> <p>17 partners. So I don't have partner names. I</p> <p>18 can give you Charlie as one. I don't recall</p> <p>19 his last name. Charlie Raboteau. I don't</p> <p>20 know how to pronounce it.</p> <p>21 BY MS. OELTJEN:</p> <p>22 Q. We may come to it in a document.</p> <p>23 A. Uh-huh. And several other</p> <p>24 roundtables had -- and again, I recognize</p>	<p>1 with the profitability.</p> <p>2 Q. So I shouldn't understand that at the</p> <p>3 roundtables there were lots of partners lined</p> <p>4 up to offer you a specific complaint about</p> <p>5 Shannon Phillips; correct?</p> <p>6 A. Your question was with specific</p> <p>7 names, and so during those roundtables we did</p> <p>8 not make note of who those individuals were.</p> <p>9 Q. No.</p> <p>10 A. My earlier testimony --</p> <p>11 Q. I asked use Shannon's name in</p> <p>12 complaining. That is what I'm trying to</p> <p>13 understand.</p> <p>14 A. Yes. So in my earlier testimony I</p> <p>15 had shared that there was sentiment that she</p> <p>16 would cancel, she would not show up when it</p> <p>17 was raining. That she would have</p> <p>18 preferential treatment towards those in which</p> <p>19 she had special personal relationships with.</p> <p>20 So those are specific examples in the</p> <p>21 consensus of a group.</p> <p>22 In leading through the crisis,</p> <p>23 the one thing that you have to have as a</p> <p>24 leader is trust. Partners in distress and</p>

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1 threat cannot be led through crisis in an
 2 effective way with excellence if they do not
 3 trust their leader. And the overwhelming
 4 theme that was coming through the roundtables
 5 was they did not trust her.
 6 Q. And they used her name, so they said
 7 I don't trust Shannon?
 8 A. Her, yes.
 9 Q. Okay.
 10 And did people share that they
 11 didn't trust Ben?
 12 A. Yes.
 13 Q. And did people share that they didn't
 14 trust Paul?
 15 A. Not to my recollection.
 16 Q. So did anyone criticize Paul at any
 17 of these roundtables?
 18 A. Yes. Charlie very specifically.
 19 Q. And was Paul coached, counseled or
 20 placed on any disciplinary action as a result
 21 of any feedback from the roundtables relating
 22 to his performance?
 23 A. No. Nor was Shannon or Ben. There
 24 was like no progressive discipline for all

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1 three. There was separation --
 2 Q. Right.
 3 A. -- based on the allegations for Ben
 4 that were substantiated and then for the
 5 decision that I made to separate Shannon
 6 based on her inability to lead through the
 7 crisis.
 8 Q. And so you did not reach any
 9 conclusions about Paul's performance that
 10 resulted into his job changing in April or
 11 May of 2018; correct?
 12 A. Can you restate the question?
 13 Q. Sure. So you just described to me
 14 that Ben was separated and that you made the
 15 decision to terminate Shannon. And so my
 16 question to you was you did not make any
 17 similar determination as it relates to Paul;
 18 right?
 19 A. There were very different behaviors
 20 that were being demonstrated during that time
 21 where there was, for Ben, prior to his
 22 suspension a level of denial of what was
 23 happening. And for Paul it was very
 24 different.

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1 So what I saw, as well as many of
 2 the other leaders that either lived in
 3 Seattle that were in or outside -- or
 4 internally was that he was taking ownership
 5 of what was happening, and his behaviors and
 6 actions were very clearly different from Ben.
 7 Taking accountability, recognizing when he
 8 could have paid more attention to his
 9 partners. Spending more time in the stores.
 10 So the actions that were happening throughout
 11 the crisis were very starkly different.
 12 Q. What did Ben -- so Ben was actually
 13 the district manager responsible for the
 14 store where the arrest took place; right?
 15 A. Paul was.
 16 Q. Paul. Sorry, we have been mixing
 17 them up all day.
 18 So Paul was the DM for the store
 19 where the arrest took place; correct?
 20 A. Yes.
 21 Q. And Paul had actually been involved
 22 in promoting Holly Hilton to store manager;
 23 correct?
 24 A. I'm certain of it, but yes, I am

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1 sure.
 2 Q. When you say -- I believe you told me
 3 that you felt that Paul was taking ownership,
 4 is that accurate?
 5 A. Correct.
 6 Q. What do you recall --
 7 A. Not specifically for the incident.
 8 For the responses and reactions of the
 9 partners who were feeling that there was a
 10 sense of inequity and a lack of responsiveness
 11 to what was happening and what their
 12 experiences were.
 13 Q. So what are you, when you say a sense
 14 of inequity, so of course anyone who watches
 15 the news knows that that has been in the news
 16 for a very long period of time and something
 17 people are talking about.
 18 Are you referring to the general
 19 sense of inequity in the United States or are
 20 you referring to a problem with equity within
 21 the Starbucks organization?
 22 A. So in my earlier testimony I
 23 clarified that there was a perception of
 24 people getting promoted based on their

<p style="text-align: right;">Page 209</p> <p>1 relationships with their leaders or based on</p> <p>2 the color of their skin. So that's the</p> <p>3 inequity that I'm referring to again.</p> <p>4 Q. Okay. And those are different</p> <p>5 things, you would agree with me, correct,</p> <p>6 personal relationships, the color of their</p> <p>7 skin?</p> <p>8 A. Uh-huh, yes.</p> <p>9 Q. And is it your understanding as a</p> <p>10 manager that in fact one of them is</p> <p>11 prohibited by law and the other is not;</p> <p>12 correct?</p> <p>13 A. Yes. But both are inappropriate.</p> <p>14 Q. Fair enough. But one is actually</p> <p>15 illegal and the other is not; correct?</p> <p>16 A. And I would say in the Starbucks</p> <p>17 world they are equally weighted.</p> <p>18 Q. Okay. And that's fine.</p> <p>19 But in terms of individuals who</p> <p>20 were complaining that the color of their skin</p> <p>21 made a difference in how they were treated at</p> <p>22 Starbucks, did anyone make those complaints</p> <p>23 with regard to Ben?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 211</p> <p>1 promotions that were happening in the market</p> <p>2 were happening because they were either of a</p> <p>3 personal relationship nature or because of</p> <p>4 the color of their skin. That is what came</p> <p>5 through during the roundtables and very, very</p> <p>6 broadly during the May 2nd conversation with</p> <p>7 Seattle observing.</p> <p>8 Q. And did you ever take the name of an</p> <p>9 employee who complained or intimidated or</p> <p>10 suggested that vis-à-vis Shannon Phillips the</p> <p>11 color of their skin made a difference in how</p> <p>12 they were treated at Starbucks?</p> <p>13 MR. HARRIS: Objection. Asked</p> <p>14 and answered. But you may answer,</p> <p>15 Miss Hymes.</p> <p>16 THE WITNESS: Yes.</p> <p>17 So in my earlier testimony, I</p> <p>18 shared that the responsibility of</p> <p>19 interviewing an investigation is housed in</p> <p>20 our PRO team. So my attention was wholly</p> <p>21 focused on managing the crisis that was in</p> <p>22 front of me, making sure that those partners</p> <p>23 that had issues were having conversations</p> <p>24 with PRO. So I would be -- I would</p>
<p style="text-align: right;">Page 210</p> <p>1 Q. And so who complained that the color</p> <p>2 of their skin made a difference in how Ben --</p> <p>3 I'm sorry -- Paul -- I know that's not what I</p> <p>4 just said --</p> <p>5 A. Okay.</p> <p>6 Q. Did anyone complain that the color of</p> <p>7 their skin made a difference in how Paul</p> <p>8 Sykes treated them?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. And did you ever ask Paul if you</p> <p>11 thought -- if he thought that the color of</p> <p>12 his skin made a difference in how Shannon</p> <p>13 Phillips treated him?</p> <p>14 A. No.</p> <p>15 Q. And did Paul ever complain to you</p> <p>16 about Shannon's leadership?</p> <p>17 A. No.</p> <p>18 Q. And did anyone ever complain to you</p> <p>19 that the color of their skin made a</p> <p>20 difference in how Shannon treated them?</p> <p>21 A. Yes. So that was in the roundtables</p> <p>22 where they shared that based on -- so yes,</p> <p>23 based on their conversations with either</p> <p>24 Shannon or Ben, that they felt like the</p>	<p style="text-align: right;">Page 212</p> <p>1 potentially intake if any partner had an</p> <p>2 issue, but I would not document names or I</p> <p>3 would give them the phone number for our</p> <p>4 partner resources to, you know, reach out to</p> <p>5 them so that they could have very private,</p> <p>6 confidential conversations with regards to</p> <p>7 the lack of experience that they were</p> <p>8 involved in.</p> <p>9 BY MS. OELTJEN:</p> <p>10 Q. So if I asked this I genuinely don't</p> <p>11 remember, so I appreciate you answering again</p> <p>12 if I have.</p> <p>13 A. Uh-huh.</p> <p>14 Q. But did anyone in that partner</p> <p>15 resources or anyone that partner resources</p> <p>16 may have retained, to your knowledge, ever</p> <p>17 conclude that Shannon Phillips treated an</p> <p>18 employee differently because of the color of</p> <p>19 his or her skin?</p> <p>20 MR. HARRIS: That's been asked</p> <p>21 and answered, but you may answer again.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. OELTJEN:</p> <p>24 Q. Okay.</p>

<p style="text-align: right;">Page 213</p> <p>1 A. The racial inequities were squarely 2 with Ben, which we documented. 3 The concern for Shannon was that, 4 number one, she did not have awareness or 5 address it because the partners had shared 6 that they had complained before. There was 7 no resolution to it so all of these issues 8 were festering. And as a result of the 9 event, it opened up all of the unanswered 10 issues that our partners had because they 11 thought they were being heard through their 12 leader Shannon. 13 And when the partners at 14 leadership levels came to listen, they shared 15 that their issues that they had taken to 16 their leaders, plural, had been unresolved. 17 Furthermore, I was not aware. So 18 if those conversations were happening, those 19 conversations were happening, Shannon never 20 raised it to me. So I only knew that these 21 issues occurred post event. Had I known that 22 our partners were in a position of suffering 23 or having feelings of inequity, I would have 24 addressed it.</p>	<p style="text-align: right;">Page 215</p> <p>1 process when someone receives a complaint of 2 discrimination is to notify partner 3 resources; correct? 4 A. Yes. 5 Q. Did you ever take any steps to 6 uncover whether or not Miss Phillips had in 7 fact notified partner resources of any 8 allegations of racially driven inequity in 9 her area? 10 A. I am so sorry, my dogs are barking in 11 the background. I am just going to hold for 12 one second. 13 MS. OELTJEN: No problem. Why 14 don't we go off the record. 15 VIDEO SPECIALIST: The time is 16 3:51. Off the record. 17 (Pause.) 18 VIDEO SPECIALIST: The time is 19 3:52. We are back on the record. 20 BY MS. OELTJEN: 21 Q. Okay, Miss Hymes, before we took a 22 little break, essentially what I was trying 23 to ask is if you took any steps to uncover 24 whether or not Shannon had referred any</p>
<p style="text-align: right;">Page 214</p> <p>1 Q. And I believe this morning you told 2 me that for a long period of time that the 3 PRO person who was assigned to Ms. Phillips 4 had subsequently passed away; correct? 5 A. Yes. 6 Q. And so to your knowledge, is it 7 possible that Shannon passed this information 8 along to her PRO person and that it just 9 stopped there? 10 MR. HARRIS: Objection. Calls 11 for speculation. 12 BY MS. OELTJEN: 13 Q. You can answer. 14 MR. HARRIS: You can answer, 15 Miss Hymes, if you can. 16 THE WITNESS: Can you repeat the 17 question? 18 BY MS. OELTJEN: 19 Q. Sure. I am just trying to -- so 20 earlier you told me, I believe you told me 21 her name was Ms. Verino; is that correct? 22 A. Yes. 23 Q. Okay. Miss Verino had passed away. 24 I understand that you told me that the</p>	<p style="text-align: right;">Page 216</p> <p>1 concerns about racial inequity in her area to 2 partner resources? 3 MR. HARRIS: Miss Oeltjen, I 4 think your camera isn't on. At least I can't 5 see you any more. 6 MS. OELTJEN: Okay. Well, who 7 needs to see me? There I am. 8 THE WITNESS: So as far as I can 9 recall, we did not see any evidence of those 10 claims actually taking action. So there was 11 no action that I saw that was taken or 12 documentation that would indicate that based 13 on the conversations of the partners that 14 that was actually addressed. 15 BY MS. OELTJEN: 16 Q. Did you ever go to Miss Philips and 17 say, you know, Partner X, at the roundtable, 18 says that they came to you and they raised 19 issues associated with racial inequity, do 20 you remember it, did it happen, et cetera? 21 A. We were together a lot and as things 22 would unfolding, I would share. If there was 23 an indication of inequity specifically 24 relating to Shannon Phillips that would</p>

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1 threat cannot be led through crisis in an
 2 effective way with excellence if they do not
 3 trust their leader. And the overwhelming
 4 theme that was coming through the roundtables
 5 was they did not trust her.
 6 Q. And they used her name, so they said
 7 I don't trust Shannon?
 8 A. Her, yes.
 9 Q. Okay.
 10 And did people share that they
 11 didn't trust Ben?
 12 A. Yes.
 13 Q. And did people share that they didn't
 14 trust Paul?
 15 A. Not to my recollection.
 16 Q. So did anyone criticize Paul at any
 17 of these roundtables?
 18 A. Yes. Charlie very specifically.
 19 Q. And was Paul coached, counseled or
 20 placed on any disciplinary action as a result
 21 of any feedback from the roundtables relating
 22 to his performance?
 23 A. No. Nor was Shannon or Ben. There
 24 was like no progressive discipline for all

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1 three. There was separation --
 2 Q. Right.
 3 A. -- based on the allegations for Ben
 4 that were substantiated and then for the
 5 decision that I made to separate Shannon
 6 based on her inability to lead through the
 7 crisis.
 8 Q. And so you did not reach any
 9 conclusions about Paul's performance that
 10 resulted into his job changing in April or
 11 May of 2018; correct?
 12 A. Can you restate the question?
 13 Q. Sure. So you just described to me
 14 that Ben was separated and that you made the
 15 decision to terminate Shannon. And so my
 16 question to you was you did not make any
 17 similar determination as it relates to Paul;
 18 right?
 19 A. There were very different behaviors
 20 that were being demonstrated during that time
 21 where there was, for Ben, prior to his
 22 suspension a level of denial of what was
 23 happening. And for Paul it was very
 24 different.

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1 So what I saw, as well as many of
 2 the other leaders that either lived in
 3 Seattle that were in or outside -- or
 4 internally was that he was taking ownership
 5 of what was happening, and his behaviors and
 6 actions were very clearly different from Ben.
 7 Taking accountability, recognizing when he
 8 could have paid more attention to his
 9 partners. Spending more time in the stores.
 10 So the actions that were happening throughout
 11 the crisis were very starkly different.
 12 Q. What did Ben -- so Ben was actually
 13 the district manager responsible for the
 14 store where the arrest took place; right?
 15 A. Paul was.
 16 Q. Paul. Sorry, we have been mixing
 17 them up all day.
 18 So Paul was the DM for the store
 19 where the arrest took place; correct?
 20 A. Yes.
 21 Q. And Paul had actually been involved
 22 in promoting Holly Hilton to store manager;
 23 correct?
 24 A. I'm certain of it, but yes, I am

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1 sure.
 2 Q. When you say -- I believe you told me
 3 that you felt that Paul was taking ownership,
 4 is that accurate?
 5 A. Correct.
 6 Q. What do you recall --
 7 A. Not specifically for the incident.
 8 For the responses and reactions of the
 9 partners who were feeling that there was a
 10 sense of inequity and a lack of responsiveness
 11 to what was happening and what their
 12 experiences were.
 13 Q. So what are you, when you say a sense
 14 of inequity, so of course anyone who watches
 15 the news knows that that has been in the news
 16 for a very long period of time and something
 17 people are talking about.
 18 Are you referring to the general
 19 sense of inequity in the United States or are
 20 you referring to a problem with equity within
 21 the Starbucks organization?
 22 A. So in my earlier testimony I
 23 clarified that there was a perception of
 24 people getting promoted based on their

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1 along with all the other leaders, her
 2 behaviors, and determined that this role
 3 wasn't even for her and then they decided to
 4 restructure. So I just want to make sure
 5 that that is wholly the picture.
 6 I don't know what date and what
 7 happened on each day, but that's the timeline
 8 in terms of the logic behind each one of the
 9 sequencing of how this unfolded to Shannon's
 10 separation.
 11 Q. Okay. Thank you.
 12 What I want to know in this
 13 moment, because I am very focused on the
 14 timeline, is, what I want to know in this
 15 moment, is it fair to say that based on your
 16 response that at least as of April 23rd,
 17 2018, you had not reached a conclusion that
 18 Shannon would be removed from her position or
 19 might be appropriate for another one;
 20 correct?
 21 A. That is correct.
 22 Q. And so it would be fair to say that
 23 as of April 23rd, 2018, in your opinion
 24 Shannon was still doing her job to your

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1 satisfaction?
 2 A. The roundtables began on April 23rd.
 3 Q. Okay.
 4 A. Where more people from Seattle flew
 5 in so that we could have roundtables
 6 throughout the city and talk to as many
 7 partners as possible. Those roundtables
 8 occurred from the 23rd, probably through
 9 May 5th. And then as we were conducting
 10 roundtables we would have debrief sessions in
 11 the basement of 18th and Spruce to discuss
 12 our findings.
 13 ([Phillips 33](#) was marked for
 14 identification.)
 15 BY MS. OELTJEN:
 16 Q. Okay, [Phillips 33](#) should be on your
 17 screen. This is a two-page document. You
 18 should have Starbucks 685 to 686. Is that
 19 what you have?
 20 A. Yes.
 21 Q. Okay. And so my question to you in
 22 this, again, because I am trying to move it
 23 along, this is an e-mail from Shannon to you.
 24 Is there anything in this e-mail

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1 that disappointed you?
 2 A. Well, let me read the e-mail.
 3 Q. Please.
 4 A. (Pause.)
 5 Is there another page?
 6 Q. Yes, there is another page. So you
 7 can toggle down at the top.
 8 A. In terms of disappointing me, I don't
 9 understand the question.
 10 Q. So my question is, this e-mail that
 11 Shannon sent to you, is this evidence that
 12 she's doing what you expected of her?
 13 A. This is, this is the work of a
 14 collective group of people and her taking
 15 notes of the plan from the task force. So
 16 this is not Shannon's work. This is the work
 17 of a collective group of people that have
 18 either flown in from Seattle or that were
 19 part of like Zeta or everyone else. So this
 20 was the recap. She would take dictation,
 21 recap the dictation and send it out.
 22 Q. Okay.
 23 A. She was engaged in the conversation,
 24 but this is not the work of solely Shannon

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1 Phillips.
 2 Q. Okay.
 3 So at the bottom, it seems to
 4 outline some things that Ebony and Shannon
 5 are going to be working on together.
 6 Do you see that?
 7 A. Yes.
 8 Q. Partner roundtables being one of
 9 those things; is that correct?
 10 A. Yes.
 11 Q. And so was Shannon involved in any of
 12 the organization or details surrounding the
 13 partner roundtables?
 14 A. Shannon, the one that was marked
 15 February 2nd where she was present, yes.
 16 However, there were many roundtables that I
 17 was not a part of, so there were a lot of
 18 people conducting roundtables throughout the
 19 city. So we were not able to be present for
 20 many because we had partner resources like
 21 Ebony, Nathalie. We had a vice president in
 22 partner resources that was present, Jen
 23 Frisch. We had partner resources pretty much
 24 canvassing the market to understand our

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1 we had a subsequent conversation with Charlie
 2 one on one, that is when he shared.
 3 I was with Rossann and maybe
 4 Nathalie Cioffi to follow up on his concerns.
 5 He was apologetic, I do remember that, for
 6 being disrespectful to Shannon. And he
 7 provided -- I don't know the details. But he
 8 provided examples of when he had reached out
 9 to either Shannon or Paul on his concerns.
 10 Q. And so Charlie described for you that
 11 he had had issues with both Shannon and Paul?
 12 A. Yes. Not addressing the leadership
 13 concerns that he had at his store in which he
 14 was housed. His treatment. The lack of
 15 addressing some of the systemic issues that
 16 were in the store from a safety perspective.
 17 Q. And so based on your knowledge of the
 18 structure at the Starbucks organization, is
 19 it accurate to say that the store manager
 20 would have been responsible for addressing
 21 Charlie's concerns as a front line person;
 22 correct?
 23 A. Yes.
 24 Q. And then it would have fallen to

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1 Paul; correct?
 2 A. Charlie claimed that he had
 3 escalated.
 4 Q. And then if Paul did what he was
 5 supposed to do, it most likely would not ever
 6 reach the level of the regional director;
 7 correct?
 8 A. Correct.
 9 Q. And you are a rung above the regional
 10 director and is it your presumption that any
 11 number of issues are handled by your
 12 subordinates without ever reaching your
 13 attention?
 14 A. Correct.
 15 Q. It is just going to take me a minute
 16 to bring up the next exhibit. We are on the
 17 last screen, if that makes you feel any
 18 better, the exhibits that I am looking at.
 19 A. It actually does. Thank you.
 20 (Phillips 37 was marked for
 21 identification.)
 22 BY MS. OELTJEN:
 23 Q. All right, so this is an e-mail dated
 24 Tuesday, April 24th, 2018. You are welcome

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1 to read as much or as little of it as you
 2 would like. It is Phillips 37, STARBUCKS 3402.
 3 A. Uh-huh.
 4 Q. Do you know who Rebecca Stout is?
 5 A. Store manager for 25349.
 6 Q. Yes. And do you know if, do you know
 7 where geographically that store is located?
 8 A. Rebecca has moved a few times, but
 9 it's in Philadelphia.
 10 Q. Okay.
 11 A. So I don't remember that.
 12 Q. And do you know, what is Becky's
 13 race, if you know?
 14 A. I don't.
 15 Q. Have you ever met her?
 16 A. I believe I have, yes.
 17 (Phillips 38 was marked for
 18 identification.)
 19 BY MS. OELTJEN:
 20 Q. Phillips 38 is STARBUCKS 229. It is
 21 a two-page document. The second page is 230.
 22 Can you take a moment to review
 23 this and then I will have some questions for
 24 you.

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1 A. Okay.
 2 Q. Can you tell me what the e-mail from
 3 Paul Pinto dated Tuesday, April 24th, 2018,
 4 is referring to?
 5 A. It's referring to the early phases of
 6 the input that we received from our partners
 7 in terms of their experience, and then it
 8 also looks as though there may be a capture
 9 of their concerns around the scheduling of
 10 the 5-29 event, but I'm not certain.
 11 Q. Okay. And the 5-29 event is when
 12 Starbucks closed all of its stores to conduct
 13 racial bias training; correct?
 14 A. Correct.
 15 Q. And who conducted that training?
 16 A. The leaders in the local markets
 17 across the US. And much of it was VDO, so
 18 there were videos that were prerecorded,
 19 workbooks, exercises that were facilitated by
 20 local leaders.
 21 In this document, I will just
 22 point out, this is where one, two, three,
 23 four, five, six, this is, to my prior
 24 testimony, documenting the prior conflicts

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1 that are resurfacing with racial allegations.
 2 So this is sort of the start of an
 3 understanding of what our partners are saying
 4 in terms of inequity.
 5 Q. So if you turn to the second page.
 6 A. Uh-huh.
 7 Q. There appears to be a table.
 8 A. Yep.
 9 Q. So one of the first actions listed,
 10 it says, "PRM presence." What is a PRM?
 11 A. Partner resources manager. So I'll
 12 just help to guide you through the hierarchy.
 13 Paul Pinto at the time was the VP
 14 partner resources. He was on assignment.
 15 And then underneath Paul would have been
 16 Nathalie Cioffi, who is the partner resources
 17 director. So it goes VP director and then
 18 underneath the director are the partner
 19 resource managers. So that at the time was
 20 Ebony for the Philadelphia market.
 21 So per my prior testimony, those
 22 are the partner resource managers that would
 23 field the partner concerns throughout the
 24 market. They were literally in the market.

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1 So Nathalie's based out of Bethesda. So she
 2 was in market. Ebony and Paul Pinto to
 3 support roundtables, along with the senior
 4 vice president of partner resources at the
 5 time, Jennifer Frisch, F-R-I-C-H. I don't
 6 think there's a "T" in there. Frisch.
 7 And there may have been another
 8 PRN that got pulled in, but I can't recall.
 9 Q. Okay.
 10 ([Phillips 39](#) was marked for
 11 identification.)
 12 BY MS. OELTJEN:
 13 Q. Okay, we are looking at [Phillips 39](#).
 14 This is a two-page document. We have
 15 STARBUCKS 252 to 253.
 16 A. Uh-huh.
 17 Q. So the first page appears to be an
 18 e-mail from Nathalie Cioffi to you dated
 19 April 24th at 10:10 a.m. with the subject
 20 of "PRO Plan"; correct?
 21 A. Yes.
 22 Q. And then the next page is the PRO
 23 plan, some of which looks very similar to
 24 what we saw in the prior exhibit; correct?

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1 A. It was a living document, yes.
 2 Q. Okay.
 3 And so as of this date, anyway,
 4 Shannon Phillips is still considered a key
 5 stakeholder; correct?
 6 A. Yes.
 7 Q. Okay. And had you made any decision
 8 to terminate Ms. Phillips as of April 24th,
 9 2018?
 10 A. The start of the roundtables, that
 11 first note that you showed where there were
 12 issues of racial inequities, even at that
 13 moment, I had no concern until after the
 14 series of roundtables and feedback from the
 15 partners. And then, and then the subsequent
 16 leadership presence throughout that week and
 17 in the following week leading up to the 2nd
 18 of May.
 19 ([Phillips 40](#) was marked for
 20 identification.)
 21 BY MS. OELTJEN:
 22 Q. [Phillips 40](#) is on your screen. This
 23 is STARBUCKS 630.
 24 A. Uh-huh.

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1 Q. This is an e-mail exchange between
 2 you and Shannon Boldizar.
 3 Do you see that?
 4 A. Yes.
 5 Q. Can you explain to me what you meant
 6 when you wrote "not aligned" on April 24th,
 7 2018?
 8 A. No, I don't recall.
 9 Q. Okay.
 10 A. If it is to Shannon Boldizar, I
 11 don't know the context of this e-mail.
 12 Q. Okay, that was my question.
 13 ([Phillips 41](#) was marked for
 14 identification.)
 15 BY MS. OELTJEN:
 16 Q. Okay, [Phillips 41](#) is on your screen.
 17 This is STARBUCKS 299.
 18 Is that the document that you
 19 have?
 20 A. Yes.
 21 Q. Excuse me one second. I have sibling
 22 fighting on my end. Can we go off the record
 23 for a second? I am sorry.
 24 A. Yes.

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1 Risk." Do you see that?
 2 A. Yes.
 3 Q. What does that mean?
 4 A. That means they are at risk in their
 5 current role based on their leadership.
 6 Q. And then the "Timing of Transition"
 7 column, is that transitioning Shannon into a
 8 community leader role that you are referring
 9 to?
 10 A. These are hypotheticals so it is an
 11 early draft of what could happen.
 12 Q. Okay. And so then Marcus
 13 Eckensberger appears on this list, and am I
 14 correct in understanding that you were
 15 contemplating moving him from Area 147 to
 16 Area 71 to replace Shannon?
 17 A. Yes.
 18 Q. Okay. And then Michael Scott is
 19 listed here and it says for his position
 20 ROC-TLA. What is that?
 21 A. That is, in the current role, that's
 22 a region's ops coach.
 23 Q. And then it looks like you are
 24 contemplating moving him to backfill Marcus's

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1 position; is that correct?
 2 A. Correct.
 3 Q. And what does that note indicate,
 4 "RDO Training 5-15"?
 5 A. Region director training.
 6 Q. And so he was already scheduled to
 7 have that training without regard to him
 8 having an RDO position?
 9 A. Yes. We typically do that if we
 10 anticipate someone moving into an RDO role,
 11 either temporarily or permanently.
 12 Q. Okay.
 13 Ben Trinsey appears on this list,
 14 but there is no proposed position for him;
 15 correct?
 16 A. Correct.
 17 Q. And had you decided already that Ben
 18 Trinsey would be fired?
 19 A. I don't believe so.
 20 Q. Okay. And then Mr. Sykes is on this
 21 list, and it looks like you were thinking of
 22 moving him to a suburban market, district
 23 manager position; is that correct?
 24 A. Correct.

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1 Q. And why did you think it would be
 2 appropriate to move Mr. Sykes to a suburban
 3 market?
 4 A. The market was in crisis, and based
 5 on the early conversations that were
 6 uncovering, it is important for the entire
 7 organization to have a certain level of trust
 8 in their leaders. And also as a
 9 responsibility for me to ensure that I had
 10 the very best leaders that I could possibly
 11 have to lead our partners through this in a
 12 way that they were whole.
 13 And the question came up do you
 14 have the very best leaders that you have in
 15 the company to lead this market. And I
 16 couldn't look my leaders in the face to say
 17 yes. Based on what I was observing, the
 18 outcomes, the sentiment of the partners, I
 19 did not feel like these leaders were the
 20 leaders to take this company and those
 21 partner experiences through healing.
 22 And so I had to make decisions on
 23 whether or not these players were the right
 24 players, right leaders that could be honest,

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1 transparent, that our partners trusted and
 2 that could lead them out. So this was the
 3 early plan and that was the lens that I was
 4 using in order to make decisions on who was
 5 going to move the market out and forward.
 6 Q. In connection with making this early
 7 plan, did you consider the race of Ms. Phillips?
 8 A. Absolutely not.
 9 Q. And did you consider the race of
 10 Mr. Trinsey?
 11 A. Absolutely not.
 12 Q. And did you consider the race of
 13 Mr. Sykes?
 14 A. Absolutely not.
 15 (Phillips 44 was marked for
 16 identification.)
 17 BY MS. OELTJEN:
 18 Q. This is Plaintiff's Exhibit 44 -- I'm
 19 sorry, Phillips 44. The first page, it is
 20 a -- it is a single page document. You
 21 should have STARBUCKS 3852.
 22 Is that the document that you
 23 have in front of you?
 24 A. Yes.

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1 Q. Take a moment to review it and let me
 2 know when you are ready.
 3 A. I'm ready.
 4 Q. Okay. This is an e-mail exchange
 5 between Shannon Phillips and Shannon Boldizar;
 6 correct?
 7 A. Correct.
 8 Q. And it refers to the Philly TLA
 9 position; correct?
 10 A. Correct.
 11 Q. And Shannon Boldizar writes in part
 12 that you had recommended Shannon Phillips for
 13 the role.
 14 Did you see that?
 15 A. I do.
 16 Q. And is that accurate as of the date
 17 of this e-mail, April 25th, 2018?
 18 A. Absolutely, because this role allows
 19 for her to move out of P&L responsibility
 20 that would have no direct reports and would
 21 not be leading a team. And so I thought that
 22 this may be a way to create continuity for
 23 her employment at Starbucks in this moment.
 24 Q. Miss Hymes, I believe today generally

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1 it is fair to say that you have told me that
 2 you learned a lot of things that were going
 3 on in the Philadelphia market that you were
 4 not aware of prior to the arrest.
 5 Is that an accurate
 6 generalization?
 7 A. Yes.
 8 Q. Does your lack of knowledge fall on
 9 you in any way?
 10 A. It does. I have responsibility for
 11 not recognizing the significance of the
 12 leadership impact. I have reflected on what
 13 I have done -- I should have done
 14 differently, and I take ownership for it.
 15 Q. And have you ever been disciplined in
 16 any way as a result of anything that occurred
 17 in the Philadelphia market that related in
 18 any way to the arrest at Spruce Street?
 19 A. No. But we've had honest
 20 conversations about my lessons and I had a
 21 responsibility to restore the partner
 22 situation there.
 23 The difference between what I'm
 24 sharing with you in terms of ownership and

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1 accountability is that I never heard that
 2 from Ben, Paul, or Shannon, none of it. There
 3 is -- accountability lies with all of us.
 4 Q. Were you, did you ever receive a
 5 criticism in a performance review as a result
 6 of anything that happened?
 7 A. Yes, yes. I literally lost my bonus,
 8 and that is a clear indication of the way in
 9 which the organization felt was a signal that
 10 there was accountability, and I fully
 11 accepted that loss of my bonus or partial
 12 bonus because I do realize I'm accountable.
 13 But at no point in time did the
 14 leaders that were leading Philadelphia have
 15 any sense of a deep understanding of the
 16 significant gap in the partner experience at
 17 that time. Accountability was not a
 18 conversation. It mostly was centered around
 19 self-preservation and a lack of connection to
 20 what our partners were saying, as indicated,
 21 an example I continue to go back to make.
 22 Second, because that was the
 23 epitome of what I saw demonstrated in the
 24 lack of leadership in that moment.

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1 And to that end, I stood up in
 2 front of those partners who were crying and
 3 hurt and apologized. And subsequently, even
 4 after Shannon's departure, a sense of
 5 disappointment in myself in roundtables after
 6 she left because I was responsible for
 7 knowing more and I should have asked, and I
 8 shared that very publicly with everyone,
 9 including the store managers and the
 10 partners, that they had to go through that
 11 experience.
 12 Q. You said, you referred to both losing
 13 your bonus and losing a partial bonus. Which
 14 is it, ma'am?
 15 A. It is partial.
 16 Q. And was that for part of 2018?
 17 A. Yes.
 18 Q. Was that loss more than \$100,000 or
 19 less than \$100,000?
 20 A. Less than 100,000.
 21 Q. Less than \$50,000?
 22 A. I'd say it's about that.
 23 Q. And were you ever told that your job
 24 was at risk?

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1 were not all the way up to date. So we were
 2 literally managing in a crisis, so the
 3 complete accuracy may be delayed by a day or
 4 two based on findings or when people were
 5 able to update.
 6 (Phillips 59 was marked for
 7 identification.)
 8 BY MS. OELTJEN:
 9 Q. Phillips 59 is on your screen. This
 10 is a two-page document starting at STARBUCKS
 11 525, and I draw your attention to the e-mail
 12 at the top from Zeta to you where she
 13 writes "would eliminate Shannon from these
 14 action plans."
 15 Do you see that?
 16 A. I do.
 17 Q. So again, I am just going to ask if
 18 this memory jogged your recollection.
 19 Was there any firm plan with
 20 regard to Shannon Phillips at this time?
 21 A. I'm sure in that window after May 2nd
 22 there was conversation on whether or not we
 23 wanted to continue employment with Shannon.
 24 But I don't know if a final decision had been

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1 made at that time. If you have other
 2 documents. But I can't remember the specific
 3 date we landed.
 4 Q. Okay.
 5 (Phillips 60 was marked for
 6 identification.)
 7 BY MS. OELTJEN:
 8 Q. Phillips 60 is in front of you. This
 9 is STARBUCKS 485 to 486. This, again, is
 10 another document referring to Charlie
 11 Raboteau.
 12 A. Okay.
 13 Q. At the bottom there is an e-mail from
 14 Shannon Phillips to Cindi West, you and
 15 Nathalie Cioffi dated May 3rd, 2018.
 16 Do you see that?
 17 A. Yes.
 18 Q. Okay. So Miss Philips writes, "Hi,
 19 Cindi. Sadly, Charlie didn't really show up
 20 as we'd probably hoped. I can only say he
 21 was confrontational and disrespectful to the
 22 senior leaders that were on the other end of
 23 the Zoom call (Denise Nelson, Rossann, Zeta
 24 and others). We can discuss more on the next

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1 call."
 2 Have I read that section correctly?
 3 A. Yes.
 4 Q. And do you know, is Miss Philips
 5 referring to the roundtable discussion from
 6 the day prior that folks from Seattle joined?
 7 A. Yes.
 8 Q. Okay. And so Mr. Raboteau spoke at
 9 that meeting?
 10 A. Yes.
 11 Q. And do you have a recollection of
 12 Mr. Raboteau's demeanor at that meeting?
 13 A. Hurt. Upset. Suffering. Maybe
 14 disrespectful. This is, again, sort of
 15 another indication of the placation to the
 16 leadership and not actually listening to what
 17 the partner has to say. And so our
 18 conversation at the executive level was what
 19 is ailing Charlie. Not whether or not he was
 20 disrespectful, because we recognize that our
 21 partners were in distress and they were
 22 suffering.
 23 So Cindi is in my, in my earlier
 24 testimony, is the person that does all of the

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1 intake for partner resources. So in many of
 2 the times and where we have executive
 3 letters, there's sort of an indication, in
 4 writing, what the complaints of the partner
 5 are to really help the investigator
 6 understand the sentiment of the partner. Not
 7 the fact that they were disrespectful.
 8 So nobody was actually concerned
 9 on the way in which the message was
 10 delivered. Everyone on the call from
 11 Seattle, including myself and others, were
 12 more concerned with what he was saying. And
 13 so this actually is evidence that the focus
 14 from Shannon in her leadership is in the
 15 wrong area.
 16 Q. And did you tell her that at the time
 17 that she wrote this e-mail?
 18 A. Yes. So we had to have conversations
 19 around what the partners were feeling and how
 20 she had to show up differently. The
 21 conversation on May 2nd was really around
 22 recognizing that our partners really needed
 23 strong leadership in that moment. Like you
 24 had to show up. You have to listen. You

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1 have to not be concerned in terms of the
 2 emotions. All the, you know, love that's
 3 coming in from other people to tell you you
 4 are doing a great job, and the primary focus
 5 is not in the spotlight of what you are
 6 viewing, but how you can support your
 7 partners in the moment of crisis.
 8 And literally on that day she was
 9 like I don't think I'm built for this. This
 10 is difficult for me.
 11 And my conversation to her was
 12 you got to shift. In the conversations that
 13 we have, in the calls, you are silent. You
 14 don't speak up. You are kind of like not
 15 present. That was the conversation on
 16 May 2nd. Very clearly.
 17 Which was like, okay, maybe take
 18 some time off. Like help me understand what
 19 you are going through. But you can't focus
 20 on the wrong things.
 21 Again, the same indication. So
 22 even after that conversation, we were
 23 starting to talk about what the partners were
 24 saying in terms of their experiences and a

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1 complete and absolute denial that we should
 2 open up an investigation on the allegations
 3 of what the partners were saying about one of
 4 her leaders.
 5 Again, it was these things to me
 6 call up a very implicit understanding of the
 7 mind set of my leader at that time, which was
 8 one that was sort of non-focused on the
 9 actual issue. Which was not the way the
 10 partners were delivering their message, but
 11 the message itself.
 12 Q. And so should she have understood
 13 that whatever the partner said should be
 14 taken at 100 percent true and at face value?
 15 A. No. But there had to be some level
 16 of empathy and understanding that someone was
 17 crying out for help. And it was our
 18 responsibility to listen. The delivery isn't
 19 good, but that wouldn't be the highlight of
 20 the message.
 21 And everyone who she mentioned
 22 understood that. Rossann understood that.
 23 Zeta understood that. Denise understood
 24 that. There's extreme patience for people

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1 who, you know, have had a traumatic moment
 2 and who felt like they needed to be heard.
 3 (Phillips 61 was marked for
 4 identification.)
 5 BY MS. OELTJEN:
 6 Q. So this is Phillips 61. It is
 7 STARBUCKS 2320. This is an e-mail that you
 8 don't appear to be on from Jennifer --
 9 A. I can't see it. I am still on --
 10 okay, there we go.
 11 Q. Got it, okay.
 12 So this is an e-mail that you
 13 don't appear to be on, but it is from
 14 Jennifer Frisch to Paul Pinto dated May 4th,
 15 2018, and it says, "Zeta called me today from
 16 Philly asking me to engage in a separation
 17 package for Shannon."
 18 Have I read that correctly?
 19 A. Yes.
 20 Q. And so as of Friday, May 4th, had it
 21 absolutely been determined that Shannon would
 22 be terminated?
 23 A. Yes. As indicated in the note.
 24 Q. But isn't it accurate that at this

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1 time the company was still also talking about
 2 something called a coffee break for Shannon?
 3 A. We were exploring options for coffee
 4 break, yes.
 5 Q. And what is coffee break, please?
 6 A. So a coffee break is when a partner
 7 that has been around for ten years, has been
 8 under our employment for ten years, can step
 9 away from their role but still receive their
 10 benefits.
 11 Q. And so is it also accurate that they
 12 could still reflect on a resume, for
 13 instance, that they were considered to be an
 14 employee at Starbucks, put on leave of some
 15 time or on a coffee break?
 16 A. I believe so. I don't know that
 17 detail, but I would believe so, yeah.
 18 Q. Presumably if they are receiving
 19 benefits?
 20 A. Yeah.
 21 Q. So on a coffee break they receive
 22 benefits, but they don't receive any salary;
 23 is that correct?
 24 A. Correct.

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1 Q. This is [Phillips 64](#), which is
 2 STARBUCKS 288.
 3 A. Okay.
 4 Q. Do you have that on your screen?
 5 A. Uh-huh.
 6 Q. And this looks like you organized a
 7 meeting with Shannon in the Warwick Hotel
 8 lobby on May 7th, 2018, at 12:30 p.m.
 9 Do you see that?
 10 A. Yes.
 11 Q. And was that the discussion about Ben
 12 Trinsey and placing him on suspension?
 13 A. Based on my recollection, yes.
 14 Q. Okay. And you had that in the lobby?
 15 Was there like a private place?
 16 A. There's a private corner with a very
 17 long community table. Nobody goes in that
 18 corner, so it is very private.
 19 Q. Okay.
 20 Sorry, you are hearing some
 21 arguing from my peeps. My peeps are also
 22 tired, Ms. Hymes. They've had to be quiet
 23 for too long.
 24 ([Phillips 65](#) was marked for

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1 identification.)
 2 BY MS. OELTJEN:
 3 Q. Okay, so I think this may very well
 4 be our last exhibit, and I am just going to
 5 ask you some questions about the phone
 6 numbers that appear in some text messages,
 7 because I don't know who they belong to.
 8 A. Okay.
 9 Do I have permission to look them
 10 up if their name isn't on it? Well, it says
 11 their name right there, so.
 12 Q. Yes, so some you might be able to see
 13 and some you might not.
 14 A. Okay.
 15 Q. So let me first just ask you -- and I
 16 apologize for any background noise that you
 17 are hearing on my end, but I am just trying
 18 to get through -- so if you look at the
 19 second page of this, there is a nickname that
 20 appears here for Wifey 2.
 21 A. That's me.
 22 Q. That is you. You are Wifey 2. Okay.
 23 A. Yes. My husband calls -- so for
 24 whatever reason I have to change that because

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1 it is showing up in my text messages.
 2 Q. Yes. That's what I'm wondering.
 3 A. Yeah.
 4 Q. Okay. So that is not -- that's a
 5 nickname that someone in your personal life
 6 has given you, not someone in your
 7 professional life has given you?
 8 A. That is my husband's nickname for me.
 9 Like it shows up on his phone as Wifey 2.
 10 Q. Okay.
 11 A. And so maybe because with the
 12 download you can see that.
 13 Q. That is okay. That is all I wanted
 14 to know.
 15 A. Hopefully it doesn't show up for the
 16 people that I lead. I don't think it does.
 17 Q. I don't know.
 18 A. I have to fix that.
 19 Q. Okay.
 20 Ms. Hymes, I think I am about
 21 done. I am sticking by my promise of six
 22 o'clock, but if we could just take five
 23 minutes for me to get my ducks in a row, I'd
 24 appreciate it.

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1 A. Okay. Five minutes. Return at 5,
 2 say, 52?
 3 MS. OELTJEN: 5:52 is fine.
 4 THE WITNESS: Okay. Thank you.
 5 VIDEO SPECIALIST: 5:46. We are
 6 off the record.
 7 (Recess.)
 8 VIDEO SPECIALIST: The time is
 9 5:52. We are back on the record.
 10 BY MS. OELTJEN:
 11 Q. Miss Hymes, we have covered a lot of
 12 territory today and we have been talking
 13 since ten o'clock this morning.
 14 Am I correct at the end of the
 15 day that with regard to the employees that,
 16 starting at the store manager level and going
 17 up to Ms. Smith, as it related to the 18th
 18 and Spruce Street location, that Holly
 19 Hilton, the store manager, was terminated;
 20 correct?
 21 A. Correct.
 22 Q. And she is white; correct?
 23 A. Correct.
 24 Q. And Paul Sykes, her district manager,

EXHIBIT E

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS

PAUL JUNIOR SYKES
June 3, 2021

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1 answers are verbal. So Terry is not able to
 2 take down into the record that you nodded your
 3 head or shrugged your shoulders and then decide
 4 what that means. So if the answer is yes,
 5 please say yes. If the answer is no, please say
 6 no. In other words, use your words.
 7 Does that sound okay?
 8 A. Yes.
 9 Q. Okay. I don't want you to answer any
 10 question tonight that you don't understand. So
 11 if I ask something or if Mr. Harris asks you
 12 something that you don't -- I'm sorry,
 13 Mr. Esterow asks you something that you don't
 14 understand, say I don't understand or let us
 15 know that you need clarification and we will
 16 absolutely provide that clarification to you.
 17 Does that sound okay?
 18 A. Yes.
 19 Q. If you proceed to answer a question, I
 20 am going to assume that you have understood it.
 21 Do you understand that?
 22 A. Yes.
 23 Q. Is there any reason that you are not
 24 able to testify truthfully today?

Page 6

1 A. No.
 2 Q. Are you under the influence of any drug,
 3 alcohol, medication or other substance that
 4 would inhibit your ability to either testify
 5 truthfully or remember something that occurred
 6 in the past?
 7 A. No, I am not.
 8 Q. Mr. Sykes, are you represented by
 9 counsel tonight?
 10 A. No.
 11 Q. And have I ever offered representation
 12 for tonight's deposition?
 13 A. No.
 14 Q. And have I ever given you any, have I
 15 ever told you that you should say any particular
 16 thing or testify in any particular way?
 17 A. No.
 18 Q. And has Miss Phillips ever told you that
 19 you should say any particular thing or testify
 20 in any particular way?
 21 A. No.
 22 Q. And have you ever communicated with the
 23 counsel for Starbucks who is here tonight,
 24 either Mr. Harris or Mr. Esterow?

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1 A. No.
 2 Q. Okay.
 3 And do you have any interest, or do
 4 you have any financial interest in the outcome
 5 of Ms. Phillips' litigation?
 6 A. No.
 7 Q. Mr. Sykes, have you ever been employed
 8 by Starbucks?
 9 A. Yes.
 10 Q. During what time period were you
 11 employed by Starbucks?
 12 A. I just celebrated 15 years, so I know I
 13 started in June of 2003 and I left in June of
 14 2018.
 15 Q. June 2018, did you say?
 16 A. Yes.
 17 Q. Okay. And when you left in June of
 18 2018, was it your choice to leave?
 19 A. Yes. I resigned.
 20 Q. And did anyone at Starbucks ever tell
 21 you at any time in 2018 that you were at risk of
 22 losing your job?
 23 A. No.
 24 Q. Were you ever placed on any corrective

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1 action or disciplinary notice or a performance
 2 improvement plan at any time in 2018?
 3 A. No.
 4 Q. Were you ever told by anyone at
 5 Starbucks that you would need to transfer your
 6 work location in order to remain employed by
 7 Starbucks?
 8 A. Yes.
 9 Q. And who told you that?
 10 A. I believe it was Marcus, who was the
 11 regional director at the time. And I think it
 12 could have been Camille Grammar and/or someone
 13 from the partner resources team. I don't
 14 remember.
 15 Q. Okay. Would that be Marcus Eckensberger,
 16 does that ring a bell?
 17 A. Yes.
 18 Q. And is it Camille Hymes?
 19 A. Yes. I said Grammar. Sorry.
 20 Q. And did they tell you where you would
 21 have to transfer to?
 22 A. Somewhere outside of the city.
 23 Q. Okay. And were you told why?
 24 A. No. I wasn't told why. Well, wait a

Page 9

1 minute. I am trying to remember.
2 Q. Sure, take your time. There's no rush.
3 A. I don't know that I, I don't remember if
4 I was told why. I remember that I put in a
5 transfer request to move up to New York City and
6 then they came back with that. That's what I
7 remember.
8 Q. Okay. So would it be accurate, then, to
9 say that you requested to transfer to New York
10 City and the response from Starbucks was to say
11 we can't transfer you to New York City but you
12 have to transfer somewhere else outside of
13 Philadelphia?
14 A. Yes, absolutely.
15 Q. And were you given a reason why they
16 wouldn't relocate you or allow you to transfer
17 to New York City?
18 A. Yes. Well, when I put in my transfer
19 request, I remember correctly, when I met with
20 Camille and Marcus, which was, I don't know,
21 maybe a week later -- I don't remember -- I
22 don't remember who told me, but apparently they
23 had spoken with all of my managers that I
24 oversaw. Got feedback and said I needed to work

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1 outside of the city. So I don't remember what I
2 was supposed to work on. I just remember it
3 being prompted by my putting in a transfer
4 request to New York City. Prior to that, I
5 hadn't heard anything about my performance.
6 Q. Okay. And is it accurate to say that by
7 June of 2018 that Shannon Phillips had been
8 terminated from Starbucks?
9 A. Yes.
10 Q. And before her termination, was Shannon
11 Phillips your boss?
12 A. Yes.
13 Q. And how long was Shannon Phillips your
14 boss for?
15 A. I believe I arrived to the Philadelphia
16 market in June of 2015. And then up until
17 whenever she was terminated. I don't remember
18 when. Maybe it was a month or two before I
19 left.
20 Q. And when you say you arrived in the
21 Philadelphia market, what position did you
22 arrive in Philadelphia to take?
23 A. Yes. And so I was a district manager at
24 the LA market and I transferred to Philadelphia

Page 11

1 as a district manager.
2 Q. Okay.
3 And when you transferred to
4 Philadelphia, how many stores were you responsible
5 for?
6 A. Either, I think it was -- it was 11 or
7 13.
8 Q. And were any of those stores or were all
9 of those stores located in the City of
10 Philadelphia?
11 A. Yes.
12 Q. They were all in Philly?
13 A. Yes.
14 Q. How, during the time period 2015 to
15 2018, how do you describe Shannon Phillips as a
16 boss?
17 A. She was extremely detailed, really
18 supportive. Really present with the partners,
19 everyone in the district, like within our region
20 knew who she was. She was very genuine. But
21 she had, she had a really great business sense,
22 and so I know that I always respected the things
23 that she taught me, but also the relationships
24 that she created with people. Going into the

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1 store with her, we would do our district tours,
2 which were things that we did with our regional
3 directors. You know, I was very open and honest
4 with her around what my opportunities were, what
5 my strengths were and I didn't feel scared of
6 her to share those things with her. I knew that
7 I would get feedback, but I also knew that I
8 would get support.
9 Q. Did you consider her to be approachable?
10 A. Yes.
11 Q. Did you consider her to be approachable --
12 I am sorry, did you consider her to be supportive
13 of your own career development?
14 A. Yes.
15 Q. Mr. Sykes, this may seem a silly
16 question, but do you consider yourself or do you
17 identify as either Black or African American?
18 A. Yes.
19 Q. And do you feel that Miss Phillips ever
20 treated you differently because of the color of
21 your skin?
22 A. Not at all.
23 Q. Have you ever in the time that you
24 worked for Ms. Phillips observed her treat an

Page 13

1 employee differently and conclude that she was
2 treating that employee in whatever manner
3 because of that employee's skin color?
4 A. No.
5 Q. Did you ever complain to Paul Pinto
6 about Shannon Phillips' management?
7 A. No.
8 Q. Did you ever complain to Paul Pinto that
9 Shannon Phillips played favorites?
10 A. No.
11 Q. And do you know Paul Pinto?
12 A. Yes.
13 Q. And who do you recall Paul Pinto being
14 within the Starbucks organization?
15 A. I believe he was the VP of partner
16 resources.
17 Q. And am I correct in understanding that
18 partner resources is the Starbucks version of
19 human resources?
20 A. Yes, yes. Sorry.
21 Q. No, that is okay. I am getting the
22 lingo down by now, Mr. Sykes.
23 Okay, and then, and when you
24 arrived in Philadelphia as a district manager,

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1 is it fair to say that you had had other
2 supervisors at Starbucks other than Shannon
3 Phillips?
4 A. Yes.
5 Q. Do you know how many supervisors you had
6 had at Starbucks by the time you came under
7 Ms. Phillips' leadership?
8 A. Definitely more than five.
9 Q. And how would you rank Ms. Phillips in
10 terms of, you know, where you think she falls in
11 terms of your strongest manager?
12 A. I would say top two. I would say the
13 person who promoted me to district manager, Toni
14 Singer, just because I learned so much from her,
15 and then I would say Shannon Phillips are my top
16 two at Starbucks.
17 COURT REPORTER: I am sorry, Toni,
18 the last name?
19 THE WITNESS: Singer. She was a
20 regional director in the LA market many, many
21 years ago. She no longer works for Starbucks.
22 She promoted me to district manager in 2007.
23 BY MS. OELTJEN:
24 Q. I am going to take you back to April of

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1 2018. Do you recall something of note occurring
2 in a store that was in your area of responsibility
3 in April of 2018?
4 A. I do.
5 Q. And what do you recall occurring?
6 A. I was at the gym because I was at one of
7 my workouts with my trainer and I received a
8 call from my store manager Holly. I can't
9 remember what her last name is at this moment.
10 And she shared with me that she had asked two
11 customers to leave the store and they refused to
12 leave the store and the police were called.
13 And the police, there were multiple
14 police officers, and they got those gentlemen
15 out of the store.
16 Q. And what, if anything, did you do when
17 Holly shared this information with you?
18 A. I asked her if they were Black. And the
19 reason being is when she told me the amount of
20 police officers that came into the store to
21 remove them, and she didn't explain that there
22 was any -- other than them not agreeing to
23 leave, there wasn't a commotion, if you will.
24 It just naturally came to me. And that was it.

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1 And then I think later on that
2 night I had got -- I don't remember. It was a
3 few years ago. But I had -- I'm on social
4 media, but I'm not active on social media. But
5 I don't remember -- I think I received an e-mail
6 that had said some sort of video clip from my
7 Rittenhouse store was posted online. And it
8 hadn't picked up a lot of traction yet, but it
9 picked up enough that it wasn't what it soon
10 became at that point. And that's what I
11 remember.
12 Q. Okay. And the store you are referring
13 to as your Rittenhouse store, is that the store
14 at 18th and Spruce in Philadelphia?
15 A. Yes.
16 Q. Okay. Did you call Shannon Phillips to
17 let her know anything about what Holly had shared
18 with you?
19 A. I did.
20 Q. And is it fair to say that neither you
21 nor Ms. Phillips had anything to do with the
22 arrests of any gentlemen in the 18th and Spruce
23 Street store?
24 A. No.

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1 26, which requires you to identify when you are
2 intentionally withholding a document over
3 because of an objection. If that is what you
4 want to do, at least be accurate in understanding
5 how the Federal Rules are supposed to work. I
6 can't read your mind and know that you are
7 withholding something.

8 MR. ESTEROW: Kate, Starbucks and
9 the defendant has no obligation to produce
10 documents that are not responsive. If you
11 wanted documents relating to Mr. Sykes'
12 employment, you should have requested them in
13 discovery. You did not and here we are.

14 MS. OELTJEN: I think you need to
15 read the request again, Marc, but I appreciate
16 your glibness on the record.

17 MR. ESTEROW: Gladly.

18 BY MR. ESTEROW:
19 Q. Mr. Sykes, I am sorry, we are going to
20 continue.

21 So we were talking about your
22 executive letter that you sent in June 2018, and
23 I would like to ask you, you sent this letter
24 after your transfer to New York was denied; is

Page 46

1 that correct?

2 A. Yes.

3 Q. Okay. Did anyone ever explain to you
4 why your request to transfer to New York was
5 denied?

6 A. I remember having a conversation with
7 Marcus and maybe it was Camille and maybe it was
8 Nathalie. It was maybe a week or week and a
9 half after I submitted my transfer request, and
10 I remember thinking to myself, I have never
11 heard anything prior to this. Everything was
12 triggered once I put in my transfer request.

13 Q. Understood. Did Marcus and/or Camille
14 or Nathalie ever meet with you to talk to you
15 about your transfer request?

16 A. Not -- I think we had that meeting, just
17 that meeting.

18 Q. When you say "that meeting," what are
19 you referring to?

20 A. The meeting where we met to discuss my
21 -- I put in my transfer request, and then maybe
22 a week, a week later I received a request to
23 meet with them, and that was all of it.

24 Q. Okay. And during that meeting, did

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1 Marcus or Camille -- am I correct that you don't
2 remember who you met with?

3 MS. OELTJEN: Objection.

4 THE WITNESS: Well, I remember it
5 was Marcus, and I believe it was Nathalie. I
6 don't think Camille was present.

7 BY MR. ESTEROW:
8 Q. Okay. Did either Marcus or Nathalie at
9 this meeting explain to you why your transfer
10 request to New York City was denied?

11 A. They said that they spoke with my
12 managers and got feedback.

13 Q. Understood. And did they explain to you
14 that they talked to some of the managers in your
15 stores who had reported that your leadership
16 style was harsh?

17 A. No -- well, yes. That's what they said.

18 Q. Okay. Did they also explain that some
19 of your managers expressed concerns to them
20 about not being supported by you?

21 A. No, they didn't say that.

22 Q. Did they explain to you that some of
23 these stores managers in your store felt
24 unprepared to effectively lead in their stores?

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1 MS. OELTJEN: Objection.

2 THE WITNESS: No.

3 BY MR. ESTEROW:
4 Q. Did they explain to you that partners
5 did not feel safe to speak up in the stores
6 underneath your auspices?

7 MS. OELTJEN: Objection.

8 THE WITNESS: No.

9 BY MR. ESTEROW:
10 Q. And what was the reason they gave you
11 about your -- what was the reason they gave you
12 about the denial of your request to transfer to
13 New York?

14 MS. OELTJEN: Objection.

15 THE WITNESS: That they spoke with
16 my managers and something to the effect of my
17 leadership style being harsh, which I thought
18 was a pretty offensive statement because I
19 hadn't heard anything like that before. And I
20 brought that to their attention. And I also
21 said, remember saying, I hadn't heard any of
22 this until I put in my transfer request. And so
23 after I put in my transfer request, I think
24 Marcus said that he started meeting with my

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1 managers.
2 BY MR. ESTEROW:
3 Q. Understood. So thereafter you said --
4 A. Marcus and Nathalie.
5 Q. Okay. So thereafter you sent the letter
6 to Roz Brewer, Rossann Williams, Howard Schultz
7 and Kevin Johnson that we were talking about
8 earlier; is that right?
9 A. Yes.
10 Q. Do you recall -- strike that.
11 Do you recall saying in that letter
12 that you were (inaudible) had been diminished by
13 the incident that occurred on April 12th?
14 COURT REPORTER: I am sorry, you'll
15 have to repeat that.
16 MS. OELTJEN: I didn't hear it.
17 BY MR. ESTEROW:
18 Q. Do you recall stating in that letter
19 that your experience at Starbucks had been
20 diminished by the incident that occurred on
21 April 12th?
22 A. Vaguely. It's possible.
23 Q. Do you recall stating that you were
24 saddened and frustrated over how you had been

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1 treated by regional vice president Camille Hymes
2 and RDO Marcus Eckensberger?
3 A. Yes.
4 Q. So you felt that Camille Hymes had
5 treated you unfairly?
6 A. I did.
7 Q. In what way?
8 A. I never received any feedback before. I
9 had been working around the clock supporting our
10 teams. The moment I put in my transfer request
11 the temperature completely changed and I didn't
12 know why.
13 Q. Do you recall stating in that letter
14 that Camille and Marcus are out to make
15 themselves appear and look a certain way at the
16 cost of anyone?
17 A. Yes.
18 Q. In reading your letter you wrote that
19 "There is no way I could work under Marcus and
20 Camille in another district."
21 Do you remember stating that?
22 A. Yes.
23 Q. And you wrote, "Now I am being kicked
24 out, except there are no handcuffs, but I feel

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1 so incredibly hurt, confused and saddened."
2 What did you mean by that?
3 A. This is what I said before. I worked
4 for the company for 15 years. I had been there
5 day in and day out during this dramatic
6 incident working around the clock. And I often
7 have reflected that had I not put in my transfer
8 request form, things might have been different
9 for me. But I just remember thinking at the
10 time, you know, Ben left, or was fired. Shannon
11 was fired. And I know I wasn't being fired. I
12 just remember feeling that I'm getting a
13 completely different perspective and/or side
14 from them once I initiated this and I hadn't,
15 hadn't gotten any of that before.
16 Q. Mr. Sykes, you understood that in the
17 aftermath of the April 12th arrests that
18 Starbucks was not permitting you to maintain a
19 role as the district manager in Philadelphia,
20 did you not?
21 A. Did I what? Can you repeat that?
22 Q. Sure. You understood that in the
23 aftermath of the April 12th arrests that
24 Starbucks was not permitting you to maintain a

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1 role as a district manager in Philadelphia?
2 MS. OELTJEN: Objection.
3 THE WITNESS: After I submitted my
4 transfer request.
5 BY MR. ESTEROW:
6 Q. But regardless, regardless of your
7 transfer request, you had no way of maintaining
8 a role as a district manager in Philadelphia
9 according to what Starbucks told you?
10 A. I was never told that. It was after I
11 put in my transfer request form, I was told that
12 my transfer was denied and I'd have to move out
13 of the City of Philadelphia.
14 Q. So you could not maintain a role as a
15 district manager in Philadelphia?
16 A. Yes.
17 Q. Understood.
18 MR. ESTEROW: I believe I am
19 finished or almost finished. Why don't we take
20 a five-minute break.
21 VIDEO SPECIALIST: Stand by,
22 please. The time is 7:44 p.m. Eastern. Off the
23 video record.
24 (Recess.)

EXHIBIT F

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS CORPORATION

EBONY JOHNSON
May 4, 2021

Terry Burke Reporting
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<p style="text-align: right;">Page 17</p> <p>1 sure. No worries.</p> <p>2 Q. Keep going.</p> <p>3 A. So also -- I'm sorry about that.</p> <p>4 So also in part in terms of the</p> <p>5 investigation, there's also a piece where you</p> <p>6 put together the information that you have</p> <p>7 received from various witnesses, things like</p> <p>8 that, completing some sort of, sometimes a</p> <p>9 written report. It may also be visible to our</p> <p>10 legal team. And also circling back with the</p> <p>11 complainant along with whoever that manager may</p> <p>12 be if there is going to potentially be some sort</p> <p>13 of action that would be taken in terms of what</p> <p>14 the findings were.</p> <p>15 Q. Okay, great. Before I ask the next</p> <p>16 question, I will just say again, if my head is</p> <p>17 down, it is just because I am taking notes, so I</p> <p>18 apologize.</p> <p>19 A. Okay.</p> <p>20 Q. I don't intend to be impolite to you by</p> <p>21 not looking at you. Zoom is, Zoom is Zoom, I</p> <p>22 guess, right? We are all struggling through it.</p> <p>23 A. That is correct.</p> <p>24 Q. Okay, so you take the TLA position some</p>	<p style="text-align: right;">Page 19</p> <p>1 A. I don't recall anybody saying that.</p> <p>2 Q. And are you aware of any information or</p> <p>3 facts that lead you to conclude that Shannon</p> <p>4 Phillips had anything to do with those arrests?</p> <p>5 A. I am not aware.</p> <p>6 Q. Okay, so you received an e-mail</p> <p>7 communication informing you of the arrest, and</p> <p>8 did you do anything in response to that e-mail</p> <p>9 or because of that e-mail that you can recall?</p> <p>10 A. I did. I made a decision to just, for</p> <p>11 your knowledge, I was based in Dallas-Fort Worth</p> <p>12 during the TLA and it required travel back and</p> <p>13 forth to the market. And I decided that I was</p> <p>14 going to book a ticket and go out to</p> <p>15 Philadelphia to understand what was going on.</p> <p>16 Q. And do you recall when you arrived in</p> <p>17 Philadelphia?</p> <p>18 A. I don't. It was either the next day or</p> <p>19 two days later, but I don't know the exact date,</p> <p>20 no.</p> <p>21 Q. And do you recall, you know, obviously</p> <p>22 you landed at the airport. What was the first</p> <p>23 thing that you did after you arrived in</p> <p>24 Philadelphia in connection with your work for</p>
<p style="text-align: right;">Page 18</p> <p>1 time in early April of 2018; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And when was the first time that you</p> <p>4 learned that two gentlemen had been arrested in</p> <p>5 a Starbucks store in the City of Philadelphia?</p> <p>6 A. It was -- well, in terms of the arrest,</p> <p>7 it was technically the same day.</p> <p>8 Q. Had you finished your answer, ma'am?</p> <p>9 A. Yes. Sorry.</p> <p>10 Q. Do you recall who first informed you of</p> <p>11 the arrest?</p> <p>12 A. I don't know who. It was -- I will tell</p> <p>13 you how. There was an e-mail communication that</p> <p>14 came to the various leaders in that particular</p> <p>15 market. I want to say -- I actually can't say</p> <p>16 because I don't know exactly who the person was.</p> <p>17 But somebody at our corporate headquarters</p> <p>18 e-mailed to let us know that there was an</p> <p>19 incident that occurred at one of our stores in</p> <p>20 Philadelphia, and that two gentlemen, Rashon and</p> <p>21 Donte, actually, were arrested that day.</p> <p>22 Q. And have you ever heard anyone suggest</p> <p>23 or make a statement to the effect that Shannon</p> <p>24 Phillips had anything to do with those arrests?</p>	<p style="text-align: right;">Page 20</p> <p>1 Starbucks?</p> <p>2 A. I went to the store where the incident</p> <p>3 occurred.</p> <p>4 Q. And do you recall who was there from any</p> <p>5 management team?</p> <p>6 A. I don't. There were a lot of people</p> <p>7 there.</p> <p>8 Q. Was Shannon Phillips there?</p> <p>9 MR. ESTEROW: Object to form. You</p> <p>10 can answer.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MS. OELTJEN:</p> <p>13 Q. Was Camille Hymes there?</p> <p>14 A. Yes, I believe Camille was there.</p> <p>15 Q. Was Paul Sykes there?</p> <p>16 A. On that particular day? I don't know.</p> <p>17 Q. And do you know Paul Sykes?</p> <p>18 A. I know of him.</p> <p>19 Q. Have you ever met him?</p> <p>20 A. Yep, I've met him.</p> <p>21 Q. And what was his position at the time or</p> <p>22 in April of 2018, if you know?</p> <p>23 A. He was a district manager.</p> <p>24 Q. And did he have any responsibility for</p>

<p style="text-align: right;">Page 21</p> <p>1 the store where the arrest occurred?</p> <p>2 A. I don't know.</p> <p>3 Q. And so you arrived at the store and then</p> <p>4 what happened, if you can recall?</p> <p>5 A. Everybody was talking about what</p> <p>6 happened, so various team members, other folks</p> <p>7 that were in the location were just kind of</p> <p>8 recanting the situation that occurred. So it</p> <p>9 was more just a lot of conversation about the</p> <p>10 situation.</p> <p>11 Q. Do you recall if the store manager of</p> <p>12 that store was present?</p> <p>13 A. She was not present.</p> <p>14 Q. And do you recall her name?</p> <p>15 A. I don't.</p> <p>16 Q. Do you know anything about whether or</p> <p>17 not that store manager still works for</p> <p>18 Starbucks?</p> <p>19 A. I don't believe she works for them any</p> <p>20 more, no.</p> <p>21 Q. And were you involved in any decision</p> <p>22 having anything to do with whether or not that</p> <p>23 store manager would continue to work for</p> <p>24 Starbucks?</p>	<p style="text-align: right;">Page 23</p> <p>1 Philadelphia during those four days?</p> <p>2 A. Well, in terms of operations, I mean</p> <p>3 that's really, I wasn't really looking for that.</p> <p>4 I just was trying to understand how things</p> <p>5 actually occurred. So in terms of operations,</p> <p>6 that really wasn't my -- that wasn't really my</p> <p>7 point. I'm dealing more with kind of the</p> <p>8 emotional and the feelings and the aftermath of</p> <p>9 what was occurring with both partners, as well</p> <p>10 as other, you know, leaders and things in the</p> <p>11 particular market at that time.</p> <p>12 Q. Okay.</p> <p>13 A. So the discovery in terms of operations,</p> <p>14 that was handled by the operations team.</p> <p>15 Q. Okay, so forgive me. I don't work at</p> <p>16 Starbucks so I may have used an incorrect word.</p> <p>17 I am trying to understand what you believed</p> <p>18 yourself to have discovered during the four days</p> <p>19 that you were traveling in the Philadelphia</p> <p>20 market. What did you learn is what I am trying</p> <p>21 to understand?</p> <p>22 A. I learned -- oh, I'm sorry. Go ahead.</p> <p>23 Q. No, you are good. I am done.</p> <p>24 A. Okay. You are like let me finish asking</p>
<p style="text-align: right;">Page 22</p> <p>1 A. I was not involved in that decision.</p> <p>2 Q. How many days were you in Philadelphia</p> <p>3 on this trip that you first have described for</p> <p>4 me?</p> <p>5 A. I believe it was four.</p> <p>6 Q. And what did you do on behalf of</p> <p>7 Starbucks for those four days?</p> <p>8 A. I was going into different locations in</p> <p>9 and around where the arrest had taken place.</p> <p>10 There were conversations being had with various</p> <p>11 team members, store managers, our loss</p> <p>12 prevention department, some various folks there,</p> <p>13 as well as some of our leaders from Seattle had</p> <p>14 come in. Zeta Smith had come in. Tom -- what</p> <p>15 was Tom's last name? There was another, there</p> <p>16 was another senior leader. His first name is</p> <p>17 Tom. He came in as well. And just trying to,</p> <p>18 again, understand the situation and what</p> <p>19 occurred and that was what was happening just</p> <p>20 the first few days, is just more of discovery.</p> <p>21 Q. And during the four days that you were</p> <p>22 there on this first trip, you used the word</p> <p>23 discovery. So what, if anything, do you believe</p> <p>24 you discovered about Starbucks' operations in</p>	<p style="text-align: right;">Page 24</p> <p>1 the question. All right, so sorry about that.</p> <p>2 I learned that two African American</p> <p>3 men came into our store, wanted to go to the</p> <p>4 restroom before a business meeting they were</p> <p>5 having at that particular store, and they were</p> <p>6 told no because they weren't purchasing an item</p> <p>7 to go to the bathroom. So that's what I learned</p> <p>8 initially outside of what the media and</p> <p>9 everything else was happening really, really</p> <p>10 quickly at that point. But pretty much the same</p> <p>11 story came from other team members or partners,</p> <p>12 rather, in terms of folks that were there and</p> <p>13 witnessed it. And that there was some confusion</p> <p>14 around the policy.</p> <p>15 There was, you know, we had a</p> <p>16 policy in place at that time, you know, just</p> <p>17 urban market, things going on in bathrooms and</p> <p>18 such. And so there was a policy that was there</p> <p>19 to alleviate, you know, folks sleeping in</p> <p>20 bathrooms and shooting up heroin, or whatever</p> <p>21 they were doing in there, for our customers and</p> <p>22 partner safety.</p> <p>23 Q. Is that policy that you are referring to</p> <p>24 the Safe & Welcoming policy?</p>

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1 A. Correct.
2 Q. Did you learn anything else during your
3 initial four days in Philadelphia?
4 A. I am sure, but I don't remember exactly
5 everything that I learned that day.
6 Q. I believe you told me that there was
7 confusion around the policy; is that correct?
8 A. That's what I was told by the partners.
9 Q. And are you able to describe what the
10 confusion was?
11 A. The confusion was around deciding who
12 can go to the bathroom or who couldn't go to the
13 bathroom and does getting a cup of water
14 constitute a purchase versus paying for a paid
15 drink, those types of confusion.
16 Q. And did you yourself have any
17 understanding at that time of the Safe &
18 Welcoming policy?
19 A. Not until I arrived because the markets
20 that I worked in we didn't have issues such as
21 these, so I learned more about the policy once I
22 arrived in terms of what it meant for an urban
23 market.
24 Q. Okay. So is it fair to say, then, that

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1 Safe & Welcoming, it was your understanding that
2 Safe & Welcoming wasn't used in every market
3 that Starbucks had stores in?
4 A. No, that's not what I said.
5 Q. I am sorry, you said no, that's not what
6 you said?
7 A. Yeah, I didn't say that.
8 Q. No, I didn't say --
9 A. I said I -- oh.
10 Q. So I am just trying to understand what
11 you understand.
12 So was it your understanding back
13 in April of 2018 that the Safe & Welcoming
14 wasn't used everywhere?
15 A. No, that's not my understanding. That's
16 not what I am saying.
17 Q. Okay. So do you have any knowledge as
18 to whether or not Safe & Welcoming was used
19 across all of Starbucks stores or not?
20 A. I don't have that knowledge, no.
21 Q. Okay. Is it fair to say, though, that
22 you had not had any understanding of the Safe &
23 Welcoming policy prior to April of 2018?
24 A. No. I knew about the policy. It just

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1 was more heightened, I assume, in terms of urban
2 markets and what happens in those areas. So I
3 knew there was a policy there. I knew what the
4 policy was stating in terms of providing a
5 welcoming place for customers and team members.
6 I call them team members. They are partners. I
7 don't work for Starbucks any more, so we are
8 going to probably go back and forth in terms of
9 verbiage, but.
10 Q. That is okay. I will understand you are
11 referring to employees; correct?
12 A. Yes, ma'am.
13 Q. Okay.
14 Okay, so, but it is fair to say
15 that you understood that the employees were
16 confused about the Safe & Welcoming policy; is
17 that correct?
18 A. Yes.
19 Q. During that initial four-day visit, did
20 any employee of Starbucks complain to you that
21 they believed that they were being treated
22 unfairly because of their race?
23 A. During those four days?
24 Q. Yes, ma'am.

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1 A. I don't believe so. It came after.
2 Q. Okay.
3 And did you work with Shannon
4 Phillips during those initial four days in
5 Philadelphia?
6 A. Worked with? I mean I saw her. There
7 was a form of some sort that was put together
8 with Howard Schultz, and so there was some
9 initial contact. But in terms of like working
10 side by side with her the first four days,
11 everybody was all spread out, so.
12 Q. Okay. So you left at the end of four
13 days, you left Philadelphia at the end of four
14 days; is that correct?
15 A. Yes.
16 Q. And did you return at some point?
17 A. Yes, I did. I came back the next week.
18 Q. Okay. And how many days did you stay in
19 Philadelphia on the second trip?
20 A. I don't remember.
21 Q. Do you have any recollection of when you
22 returned?
23 A. No. It was the next week. I had a baby
24 at that time that was here in Dallas with my mom

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1 and I was going back and forth to Philadelphia
2 for -- every week, every other week for -- I
3 don't even know -- six months.
4 Q. Okay, during your second trip to
5 Philadelphia, can you remember anything you did
6 in connection with your work for Starbucks?
7 A. Anything specific? No.
8 Q. Do you recall if during that second trip
9 any employee complained to you that they had
10 been treated unfairly because of their race?
11 Sorry, I have dogs and kids so you
12 will hear them all today at some point,
13 Miss Johnson. I apologize.
14 A. No worries, no worries.
15 No, I don't remember what trip it
16 was when some of those complaints started to
17 come in.
18 Q. Okay. So, but complaints started to
19 come in; is that correct?
20 A. They did.
21 Q. Okay. So do you recall anyone
22 complaining directly to you that they had been
23 treated differently because of their race?
24 A. There were multiple people that came to

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1 me. In terms of exact names and who, there's
2 one that stands out. But there were several.
3 Q. Okay. Why don't you tell me the one
4 that you can recall with some specificity,
5 please?
6 A. Her name was Jaicee Huff.
7 Q. And what is Miss Huff's race, if you
8 know?
9 A. She's African American.
10 Q. And what did Miss Huff tell you, if
11 anything?
12 A. She stated that she was recently
13 promoted to an assistant store manager and that
14 she found out there was another young lady who
15 was also promoted around the same time who was a
16 white female. They were talking at a meeting of
17 some sort and whatever happened in their
18 conversation, she found that she was being paid
19 significantly less than this individual and she
20 had some issues and concerns about it because
21 she felt that they had similar backgrounds,
22 experiences. And she also was concerned that
23 this individual was friends with the district
24 manager and Shannon, the regional director at

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1 that time.
2 Q. Okay. Where were you when Ms. Huff
3 shared this information with you?
4 A. What do you mean, where was I?
5 Q. So just that, were you in the store,
6 were you at home receiving the complaint over
7 the phone? Do you recall where you were when
8 Miss Huff shared this information with you?
9 A. I don't know where I was at, to be
10 honest. I don't remember.
11 Q. Do you recall if Miss Huff spoke to you
12 in person?
13 A. She has spoken to me in person.
14 Q. And --
15 A. Now, for that particular complaint, I
16 don't know if it was in person or over the
17 phone, but I talked to her probably 40 times. I
18 don't know. It was all the time.
19 Q. Okay. So you spoke to her maybe 40 times
20 over what period of time, if you can recall?
21 A. Six months.
22 Q. Okay.
23 A. The entire time I covered the market.
24 Q. Okay. So she sought you out a lot, is

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1 that what I should understand?
2 A. Yeah, I guess you could say that.
3 Q. Can you think of any other employee in
4 the Philadelphia market that you spoke to more
5 than you spoke to Miss Huff?
6 A. No, I can't think of it.
7 Q. Do you know if when Miss Huff shared her
8 concerns about her pay, if that was the first
9 time you had spoken to her?
10 A. I don't know if it was the very first
11 time, no. I don't know that.
12 Q. Can you recall if you had met Miss Huff
13 in person before she shared information with you
14 about the concerns she had regarding her pay?
15 A. Before? I'm not sure. I'm trying to
16 kind of scan in my head who was at the open
17 forum. She may have been there. I don't know.
18 I don't know. I'm sorry. I don't know the
19 answer to it.
20 Q. That is okay. You can only remember
21 what you remember. You don't need to be sorry.
22 Okay, so Miss Huff shared this
23 information with you and what, if anything, did
24 you do in response to receiving that information?

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1 A. I started looking into the concern. So
2 talking to other assistant managers, going back
3 through the system, looking at various
4 promotions, trying to see if there was equity in
5 what the promotions looked like. I just started
6 doing some digging based on what she was saying.
7 Conversations with various team members.
8 Q. Who was Miss Huff --
9 A. And --
10 Q. Oh, I am sorry, ma'am. I thought you
11 had finished.
12 A. No, go ahead.
13 Q. Who was Miss Huff's store manager at the
14 time?
15 A. Oh, God, what was that manager's name?
16 I don't know the person's name.
17 Q. And who was Ms. Huff's district manager
18 at the time, if you know?
19 A. Ben, Ben Trinsey.
20 Q. And so when Miss Huff was sharing
21 information with you about her pay, did she
22 provide you with any information about whether
23 or not she thought her store manager had a role
24 in determining her pay?

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1 A. I don't know.
2 Q. Does the name Carmen Williams ring a
3 bell?
4 A. I believe she was a store manager. I
5 don't know if she was Jaicee's manager, though,
6 but. I believe she was a store manager at that
7 time.
8 Q. Ms. Williams is African American or
9 black; correct?
10 A. Yes.
11 Q. Did Miss Huff ever provide you with any
12 information about Ms. Williams?
13 A. Not that I can remember.
14 Q. And did Ms. Williams ever refer to
15 Ms. Phillips directly, meaning did she use the
16 name Shannon Phillips in any discussion with you
17 about her pay?
18 A. About Carmen's pay?
19 Q. I am sorry, Miss Huff. Did I say
20 Ms. Williams? I apologize.
21 A. I was like what?
22 Q. Let me withdraw that and I will ask the
23 question again so it is more clear. Sorry about
24 that.

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1 Did Miss Huff ever use Shannon
2 Phillips' name during any discussion that she
3 had with you about her pay?
4 MR. ESTEROW: Objection. Asked and
5 answered.
6 You can answer, Ebony.
7 THE WITNESS: I don't remember if
8 she used Shannon's name or not.
9 BY MS. OELTJEN:
10 Q. When you indicated that you, I believe
11 you told me that you started looking into the
12 concern that Miss Huff had, is that accurate?
13 A. Yes.
14 Q. Did you consider yourself to be
15 conducting an investigation into a complaint by
16 Ms. Huff?
17 A. Yes.
18 Q. And is it fair to say that you spoke
19 with multiple people about Miss Huff's complaint?
20 A. I did.
21 Q. And were those individuals, did you
22 consider those individuals to be participating
23 in your investigation?
24 A. Yes.

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1 Q. And is there a Starbucks policy that
2 protects people who participate in investigations
3 from being retaliated against for their
4 participation?
5 A. Starbucks does have a non-retaliation
6 policy, so that relates to all things,
7 investigations, complaints.
8 Q. And so --
9 A. They don't really allow for that.
10 Q. Okay. And so employees who participate
11 or provide information in connection with an
12 investigation would be protected by Starbucks
13 anti-retaliation policy; correct?
14 A. Yes.
15 Q. Did you ever speak with Ms. Phillips
16 about anything having to do with Miss Huff?
17 A. I believe I did. I talked to her. I
18 talked to Ben as the district manager. My
19 manager.
20 Q. Anyone else that you can recall?
21 A. Camille as the leader of the region.
22 Q. Anyone else that you can recall?
23 A. In terms of names of other partners in
24 the city.

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1 Q. Do you recall the name of the assistant
2 store manager that Ms. Huff believed was paid
3 more than she was?
4 A. No.
5 Q. Did you ever reach a conclusion as to
6 whether or not Ms. Huff's complaint was founded
7 or not?
8 A. I did.
9 Q. And what was your conclusion?
10 A. She was paid in -- her pay was not
11 equitable as an assistant store manager with
12 like backgrounds.
13 Q. And did you ever reach a conclusion as
14 to who was responsible for any inequity in
15 Ms. Huff's pay?
16 A. So during that time, the district
17 manager who approved and put the pay into the
18 computer system, that was Ben Trinsey. He was
19 the DM. And upon speaking with Ben during that
20 investigation, he stated that he had approval
21 from his manager, who was Shannon, to pay the
22 other assistant manager the pay that she got
23 because that person held a bachelor's degree and
24 Jaicee did not have a bachelor's degree.

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1 Q. And does --
2 A. So he stated that was the -- sorry. He
3 stated that was the reason why that person was
4 offered the pay for the promotion that she
5 received, it was the educational differences.
6 Q. And does anyone in human resources have
7 responsibility for also approving pay of an
8 assistant store manager?
9 A. Not approving, no.
10 Q. Do they have any responsibility in
11 connection with pay?
12 A. No. There is no responsibility to us.
13 Basically what happens or what should have
14 occurred is when there is an internal promotion,
15 we have what was called a comp calculator that
16 was used to input various data about the
17 internal applicants, the years with the company,
18 years in role, any prior experience outside of
19 that, current pay, what market they are in,
20 geography, all of that, and it spits out a
21 recommended salary amount.
22 And in that investigation Ben did
23 explain that he did not use the comp calculator,
24 that he got approval from Shannon to pay that

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1 other assistant store manager the pay that she
2 was offered.
3 Q. Right. And so did you ever ask Shannon
4 where the figure came from or what Shannon's
5 understanding of the process was?
6 A. I don't remember.
7 Q. And did you ever reach a conclusion that
8 Ms. Phillips' intentionally discriminated
9 against Ms. Huff in connection with her pay?
10 A. So the complaint wasn't about
11 discrimination. It was about the pay not being
12 equal.
13 Q. Okay. And so did Ms. Huff ever allege
14 that her pay wasn't equal because of her race?
15 A. Did she allege that? I don't remember.
16 Q. Did Miss Huff refer to her own race and
17 the race of the higher paid assistant store
18 manager in connection with her complaint to you?
19 A. She did state that the other person was
20 white. So she mentioned that the other person
21 was white.
22 Q. Do you consider yourself a human
23 resources professional?
24 A. I'm a D&I professional now, but.

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1 Q. And D&I is diversity and inclusion; is
2 that correct?
3 A. That's correct.
4 Q. And do you consider diversity and
5 inclusion work to fall within the larger
6 category of human resources?
7 A. Possibly. I think they have their own
8 entity.
9 Q. Okay. How many years of human resources
10 experience do you have?
11 A. 20.
12 Q. And do you have any education or training
13 specifically in the area of human resources?
14 A. I do.
15 Q. And tell me what training or education --
16 and education you have in the area of human
17 resources?
18 A. I have a bachelor's degree. I'm human
19 resources certified.
20 Q. What is your bachelor's degree in,
21 ma'am?
22 A. In business administration.
23 Q. And you said you are human resources
24 certified?

<p style="text-align: right;">Page 41</p> <p>1 A. Correct.</p> <p>2 Q. What certification is that, meaning who</p> <p>3 offered that certification?</p> <p>4 A. My school. It was the University of</p> <p>5 Phoenix.</p> <p>6 Q. And do you have any other human resources</p> <p>7 certifications?</p> <p>8 A. No.</p> <p>9 Q. Have you ever heard of SHRM?</p> <p>10 A. Yes, I've heard of SHRM.</p> <p>11 Q. Are you a member or have you ever been?</p> <p>12 A. I am a member.</p> <p>13 Q. And have you ever attended any of their</p> <p>14 conferences?</p> <p>15 A. I have.</p> <p>16 Q. And when was the last time you attended</p> <p>17 one of their conferences?</p> <p>18 A. I don't know.</p> <p>19 Q. Have you ever presented at one of their</p> <p>20 conferences?</p> <p>21 A. No.</p> <p>22 Q. When you were working at Starbucks, did</p> <p>23 you consider yourself a human resources</p> <p>24 professional?</p>	<p style="text-align: right;">Page 43</p> <p>1 that she was not being paid fairly for being</p> <p>2 promoted to assistant store manager and she had</p> <p>3 a concern that a white person who she felt had</p> <p>4 less experience or same type of experience got</p> <p>5 paid more, and she believed it was because they</p> <p>6 were friends. But she mentioned the race pretty</p> <p>7 frequently, so I guess maybe it is one in the</p> <p>8 same. But ultimately I was looking at the</p> <p>9 differences in the pay and why that was</p> <p>10 happening.</p> <p>11 Q. Did you ever speak to Ms. Huff's store</p> <p>12 manager in connection with your investigation?</p> <p>13 A. Was the store manager Carmen? Because I</p> <p>14 talked to various store managers. But I said I</p> <p>15 didn't remember who she was actually reporting</p> <p>16 to at that time. There was a lot of movement</p> <p>17 happening with the partners as well, so.</p> <p>18 Q. Okay. At that time, in connection with</p> <p>19 Ms. Huff's complaint, did her store manager,</p> <p>20 whoever it was -- I understand you can't</p> <p>21 recall -- but whoever the store manager was, did</p> <p>22 the store manager have any role in setting</p> <p>23 Ms. Huff's pay?</p> <p>24 A. No. The district manager.</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Yes.</p> <p>2 Q. And as a human resources professional,</p> <p>3 at any time during your discussions with Ms. Huff,</p> <p>4 did you think she was complaining that she had</p> <p>5 been discriminated against during her time at</p> <p>6 Starbucks because of her race?</p> <p>7 A. Can you repeat the question?</p> <p>8 Q. Sure.</p> <p>9 Did you at any time that you were</p> <p>10 speaking with Ms. Huff about her experiences at</p> <p>11 Starbucks, did you understand her to be making a</p> <p>12 complaint of race discrimination?</p> <p>13 A. It would appear to be that, yes.</p> <p>14 Q. And when you were conducting your</p> <p>15 investigation, were you investigating the issue</p> <p>16 of whether or not Ms. Huff had been discriminated</p> <p>17 against?</p> <p>18 A. I look at, when I think about this</p> <p>19 question, I look at what I was actually looking</p> <p>20 into in terms of the pay. So I look at those</p> <p>21 separately, right? So, you know, when I have a</p> <p>22 conversation with a partner or a team member,</p> <p>23 like I remember asking her what are you saying</p> <p>24 is happening here and she said that she felt</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. And did you reach a conclusion that</p> <p>2 Mr. Trinsey set Miss Huff's pay at whatever</p> <p>3 level it was at because of her race?</p> <p>4 A. No.</p> <p>5 Q. And did you ever reach a conclusion that</p> <p>6 Mr. Trinsey discriminated against Miss Huff?</p> <p>7 A. No.</p> <p>8 Q. Did you ever reach a conclusion that</p> <p>9 Ms. Phillips, whatever her involvement was in</p> <p>10 Miss Huff's pay, that her involvement in setting</p> <p>11 that pay was because of Ms. Huff's race?</p> <p>12 A. No.</p> <p>13 Q. Did you ever conclude that Ms. Phillips</p> <p>14 discriminated against Ms. Huff because of her</p> <p>15 race?</p> <p>16 A. No.</p> <p>17 Q. Did you ever make any recommendation to</p> <p>18 anyone about any action that should be taken</p> <p>19 against Mr. Trinsey?</p> <p>20 A. Recommendation?</p> <p>21 Q. Yes, ma'am.</p> <p>22 A. Did I make a recommendation? I believe so.</p> <p>23 Q. Do you recall what that recommendation</p> <p>24 was?</p>

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1 A. Separation.
2 Q. And do you recall who you made that
3 recommendation to?
4 A. No.
5 Q. And why was it your recommendation that
6 Mr. Trinsey be separated from Starbucks?
7 A. Because he violated code of conduct.
8 There was multiple things that Ben was being
9 investigated for, not just the inequity in pay
10 of assistant store managers.
11 Q. Okay. Please tell me everything you can
12 recall Starbucks investigating Mr. Trinsey for?
13 A. So inappropriate comments about race,
14 people being gay, treatment of other
15 partners/team members.
16 Q. What inappropriate comments was it
17 alleged that Mr. Trinsey made about race?
18 A. I don't remember the exact comment.
19 Q. Did you document these comments
20 anywhere?
21 A. I believe so. I believe they were an
22 e-mail to my manager. There's also, at Starbucks
23 we had a department called the business ethics
24 and compliance department that dealt with things

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1 around Title VII, and so I know that that team
2 was also aware of some of the complaints around
3 the comments.
4 Q. Okay. So I just want to make sure I
5 understood. It was your understanding that
6 Mr. Trinsey was accused of making inappropriate
7 comments about race; is that correct?
8 A. Yes.
9 Q. And I believe you told me that Mr. Trinsey
10 was also accused of making inappropriate comments
11 about people being gay; is that correct?
12 A. Yes, I believe that was it. There was
13 multiple things.
14 Q. And do you recall any comments that
15 Mr. Trinsey was alleged to have made about people
16 being gay?
17 A. Do I recall the comments that were
18 said --
19 Q. Yes, ma'am.
20 A. -- or alleged that he said? No.
21 Q. And are you aware of any conclusion that
22 was reached about a specific violation of
23 Starbucks' code of conduct by Mr. Trinsey?
24 A. The exact verbiage of the policy, I

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1 don't recall.
2 Q. Other than Ms. Huff, can you recall the
3 name of any individual who complained about
4 Mr. Trinsey's behavior?
5 A. I can't recall the name, but there were
6 a few.
7 Q. When you were conducting your
8 investigation, did you take any notes or
9 otherwise memorialize conversations that you had
10 with people?
11 A. I did, and those, again, were done via
12 e-mail and various recaps, which I don't have
13 access to, so.
14 Q. And you believe that was an e-mail to
15 either your supervisor or the business ethics
16 and compliance department; is that correct?
17 A. Yes.
18 Q. And when you sent those recaps, did you
19 do it right after an interview or did more time
20 go by before you submitted a recap?
21 A. Usually within 24 hours of talking to a
22 partner, so it was fresh.
23 Q. And do you recall ever sending a recap
24 that mentioned in any way any conversation that

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1 you had with Shannon Phillips?
2 A. I don't remember.
3 Q. But Miss Phillips was someone who
4 participated in your investigation; is that
5 correct?
6 A. Yes.
7 Q. Did Miss Phillips ever tell you she
8 didn't think Mr. Trinsey was being treated
9 fairly?
10 A. I don't recall being told that.
11 Q. Do you recall Miss Phillips telling you
12 anything about Ben Trinsey?
13 A. No.
14 Q. Do you recall Miss Phillips calling you
15 upset because she had just been told to place
16 Mr. Trinsey on administrative leave?
17 A. No.
18 Q. Do you recall any discussion with
19 Miss Phillips about placing Mr. Trinsey on
20 administrative leave?
21 A. No.
22 Q. When you worked for Starbucks, did they
23 issue you a laptop?
24 A. They did.

<p style="text-align: right;">Page 69</p> <p>1 certain instances.</p> <p>2 And so we really -- Shannon</p> <p>3 helped to lead that conversation and identify</p> <p>4 where we could enhance our Safe & Welcoming</p> <p>5 policy, along with her district managers.</p> <p>6 Q. Is Safe & Welcoming still used by</p> <p>7 Starbucks today?</p> <p>8 A. Yes. With enhancements. As a result</p> <p>9 of our lessons from the Philadelphia</p> <p>10 situation.</p> <p>11 Q. And once those arrests took place,</p> <p>12 the Safe & Welcoming policy was pulled in the</p> <p>13 City of Philadelphia for a time; correct?</p> <p>14 A. I don't recall that.</p> <p>15 Q. Okay, we will go through some</p> <p>16 documents.</p> <p>17 A. I don't.</p> <p>18 Q. You mentioned that this was broadcast</p> <p>19 or recorded; correct?</p> <p>20 A. Broadcast. I am not aware if it was</p> <p>21 recorded.</p> <p>22 Q. Are you aware, when you say "broadcast,"</p> <p>23 was it both a video and an audio broadcast or</p> <p>24 was it just audio?</p>	<p style="text-align: right;">Page 71</p> <p>1 in terms of the concerns that I had based on</p> <p>2 what she was demonstrating. So if she had</p> <p>3 worked, I don't recall.</p> <p>4 Q. Did you --</p> <p>5 A. I remember her --</p> <p>6 Q. I am sorry. I thought you finished.</p> <p>7 I apologize.</p> <p>8 A. Yeah, that's okay.</p> <p>9 I remember her taking time off,</p> <p>10 but I don't know if she decided she wanted to</p> <p>11 work an additional day, or.</p> <p>12 But the conversation was for her</p> <p>13 to step away, request, because of what was</p> <p>14 being demonstrated.</p> <p>15 Q. Had Starbucks ever had anything</p> <p>16 happen in its history, to your knowledge,</p> <p>17 like what occurred in Philadelphia in April</p> <p>18 of 2013?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. So it would be fair to say that no</p> <p>21 other regional director certainly that</p> <p>22 reported to you had ever been through</p> <p>23 anything like what was going on in the</p> <p>24 Philadelphia market?</p>
<p style="text-align: right;">Page 70</p> <p>1 A. Video and audio.</p> <p>2 MS. OELTJEN: Rich, you know what</p> <p>3 I am going to say. We don't have that, so to</p> <p>4 the extent that it exists, we think it is</p> <p>5 responsive to existing document requests.</p> <p>6 MR. HARRIS: Agreed.</p> <p>7 MS. OELTJEN: Okay.</p> <p>8 MR. HARRIS: Agreed.</p> <p>9 MS. OELTJEN: If it doesn't</p> <p>10 exist, we would just ask for the defendant to</p> <p>11 put that in writing.</p> <p>12 MR. HARRIS: Sure. My</p> <p>13 understanding it was just a broadcast, but it</p> <p>14 was not recorded, but I will certainly</p> <p>15 investigate that.</p> <p>16 MS. OELTJEN: Thank you, sir.</p> <p>17 MR. HARRIS: Absolutely.</p> <p>18 BY MS. OELTJEN:</p> <p>19 Q. Is it possible that you are a little</p> <p>20 confused, Miss Hymes, on the timeline and</p> <p>21 that Miss Philips actually worked for two</p> <p>22 days following that roundtable?</p> <p>23 A. I don't recall her working. I</p> <p>24 remember that conversation being very direct</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I would say all of our partners,</p> <p>2 every single person in that market mattered.</p> <p>3 Q. Well, I agree that everyone matters</p> <p>4 for sure, and I was not implying by my</p> <p>5 question that people didn't matter.</p> <p>6 A. Uh-huh.</p> <p>7 Q. I am trying to ask, can you point to</p> <p>8 a similar crisis situation that has occurred</p> <p>9 in the time you have been in Philadelphia? I</p> <p>10 am sorry. That you have been with Starbucks?</p> <p>11 Excuse me.</p> <p>12 A. Yeah. No, that was quite a unique</p> <p>13 situation.</p> <p>14 Q. And we will go back to it. We will</p> <p>15 go through your employment history in</p> <p>16 general, but I am assuming that you worked</p> <p>17 before you joined Starbucks?</p> <p>18 A. I did.</p> <p>19 Q. Okay. And had you ever had</p> <p>20 experience with a crisis of the same level as</p> <p>21 what was going on in Philadelphia in any</p> <p>22 other time in your professional experience?</p> <p>23 A. No.</p> <p>24 Q. During the partner roundtable, was</p>

EXHIBIT G

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS CORPORATION

ZETA ELAINE SMITH
June 8, 2021

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1 Q. I'm sorry. Do you recall why he was
2 terminated?
3 A. Performance.
4 Q. Anyone else?
5 A. There's someone but I don't know if
6 that was -- I know that she was getting
7 performance managed, but I don't know if -- if she
8 left on her own volition or -- or not.
9 Q. Okay. So I would like to flash
10 forward a little bit to April of 2018 -- well,
11 actually, withdraw that.
12 Is it possible that the -- that the
13 employee that you just were referring to was Nora
14 Essawi?
15 A. Yes.
16 Q. Okay.
17 A. Yes.
18 And if I could go back, June was
19 African.
20 Q. Okay.
21 A. The gentleman that replaced June was
22 African-American.
23 Q. Okay.
24 A. And I believe Nora was Indian.
25 Q. Okay.

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1 Okay. Now we'll go to April of 2018.
2 Did something significant happen in
3 April of 2018 in connection with Starbucks'
4 operations in the City of Philadelphia?
5 A. Yes.
6 Q. And what was that, ma'am?
7 A. An incident occurred at one of the
8 Philadelphia locations that made national news.
9 Q. Do you recall where -- which
10 Starbucks location the incident occurred at?
11 A. The one on Spruce Street. I don't --
12 Spruce and 18th. I get all the numbers mixed up.
13 Q. Is that location sometime referred --
14 sometimes referred to as the Rittenhouse location?
15 Have you ever heard that?
16 A. I don't know.
17 Q. Okay. In April of 2018, did you have
18 an office at a Starbucks location, meaning
19 including their headquarters or any one of their
20 -- their campuses?
21 A. I had an office in Seattle.
22 Q. And is that where you would generally
23 report to work?
24 A. Yes.
25 Q. And would you travel back east to any

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1 of the locations that you were ultimately
2 responsible for with any regularity?
3 A. Yes, part of my role was to spend
4 part of my time out in the field with the field
5 leaders and part of my time in headquarters doing
6 strategy work.
7 Q. And had you been to Philadelphia in
8 2018 before April?
9 A. Yes. I'm not sure exactly the
10 timing, but it had to be within a six-month period
11 prior to --
12 Q. Prior to April?
13 A. Prior to April, yeah.
14 Q. And when you were in Philadelphia
15 prior to April of 2018, did you ever meet with or
16 work with Shannon Phillips?
17 A. Yes, we rode together.
18 Q. And what were your impressions of
19 Ms. Phillips during the time that you rode
20 together?
21 A. That she had good relationships with
22 her partners that she was doing some very good
23 community work, actually quite noteworthy on that
24 end, and, you know, we spent most of the time, you
25 know, visiting and connecting with partners and

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1 showing support.
2 Q. Did you like Shannon Phillips?
3 A. Did I like her professionally?
4 Q. So it's just an open-ended question.
5 If you would like -- if you have a different
6 feeling about her professionally than you do
7 personally, please feel free to let me know.
8 A. I -- I respected Shannon and I liked
9 her as a person.
10 Q. When was the first -- I withdraw
11 that.
12 When you referred to an incident in
13 the 18th and Spruce Street location, you are
14 referring to the arrest of two African-American
15 gentlemen by the Philadelphia Police, correct?
16 A. Correct.
17 Q. And that event was picked up by local
18 and national media, correct?
19 A. Correct.
20 Q. And is it accurate to say that that
21 event placed Starbucks in a very negative light
22 with the public?
23 A. Correct.
24 Q. And so did you as a Divisional Senior
25 Vice President view that event as a brand risk for

<p style="text-align: right;">Page 33</p> <p>1 CEO -- COO -- excuse me -- at the time.</p> <p>2 Q. And what was Ms. Williams' or Miss</p> <p>3 Brewer's role in the decision to terminate Miss</p> <p>4 Phillips?</p> <p>5 A. It was just an inform.</p> <p>6 Q. Did they offer -- did either --</p> <p>7 either woman offer an opinion as to whether or not</p> <p>8 that decision was appropriate?</p> <p>9 A. I don't know for Roz because I did</p> <p>10 not speak with her directly. I know that Rossann</p> <p>11 was supportive of the decision.</p> <p>12 Q. How do you know that Roz Brewer was</p> <p>13 informed of the decision if you were not the one</p> <p>14 that told her?</p> <p>15 A. Because Rossann said that she did.</p> <p>16 Q. And did Rossann report to Miss Brewer</p> <p>17 in any way?</p> <p>18 A. Yes.</p> <p>19 Q. Why did you endorse the decision to</p> <p>20 terminate Miss Phillips?</p> <p>21 A. I felt that in a crisis we need</p> <p>22 leadership, and I did not see that from Shannon</p> <p>23 over a several-week period of time.</p> <p>24 Part of that was the attendance of,</p> <p>25 you know, some critical meetings or calls, whether</p>	<p style="text-align: right;">Page 35</p> <p>1 Phillips was provided any information in April or</p> <p>2 May of 2018 that her performance was lacking in</p> <p>3 any way.</p> <p>4 A. So this is -- this is my conversation</p> <p>5 with Camille, or you want my conversation with</p> <p>6 Shannon? Just so I'm clear in your question.</p> <p>7 Q. All right. No, I appreciate you</p> <p>8 asking for the clarity.</p> <p>9 I want to know about any conversation</p> <p>10 that you were either part of or witness to in</p> <p>11 which Shannon was receiving information from</p> <p>12 anyone that her performance was materially lacking</p> <p>13 in April or May of 2018.</p> <p>14 A. Okay. I was not a witness to Shannon</p> <p>15 getting specifically addressed about her</p> <p>16 performance. I would receive the information from</p> <p>17 either Paul or Camille sharing the discussions</p> <p>18 that they had with Shannon.</p> <p>19 Q. So you don't have any firsthand</p> <p>20 information about whether or not those</p> <p>21 conversations actually took place, correct?</p> <p>22 A. When you say "firsthand," meaning was</p> <p>23 I standing there when they were having the</p> <p>24 conversation?</p> <p>25 Q. Well, so, to me, firsthand is when</p>
<p style="text-align: right;">Page 34</p> <p>1 she's showing up or showing up late or not being</p> <p>2 able to get into contact with her, to not</p> <p>3 directing the team that was really hers in the</p> <p>4 midst of a crisis.</p> <p>5 Q. Have you ever seen any document that</p> <p>6 sets forth any time, for example, when</p> <p>7 Ms. Phillips failed to show up someplace that she</p> <p>8 was expected to be?</p> <p>9 A. Have I seen a document -- say that</p> <p>10 again.</p> <p>11 Q. Have you ever seen a document -- so,</p> <p>12 for instance, an email -- that describes an</p> <p>13 occasion when Ms. Phillips failed to show up</p> <p>14 someplace that she was expected to be?</p> <p>15 A. I -- I don't know. I don't -- I</p> <p>16 don't -- I know that there were multiple</p> <p>17 conversations and I was witness to those times</p> <p>18 where she was late.</p> <p>19 I do know that Camille had</p> <p>20 conversations with her and concerns about it. And</p> <p>21 I do know that Camille had -- had documented that</p> <p>22 because she -- she shared that with me.</p> <p>23 Q. So I want to break down your answer.</p> <p>24 Tell me every conversation you can</p> <p>25 recall that you were present for in which Shannon</p>	<p style="text-align: right;">Page 36</p> <p>1 you observe something yourself.</p> <p>2 Does that seem like a fair definition</p> <p>3 to you?</p> <p>4 A. Yes. And if that's the case, I</p> <p>5 observed some of the behaviors that were a concern</p> <p>6 of which I personally shared that back to Camille</p> <p>7 as part of my role for her to then, you know,</p> <p>8 coach Shannon.</p> <p>9 Q. And I appreciate you sharing that,</p> <p>10 but what I'm trying to understand is, do you have</p> <p>11 any information or any observation in which you</p> <p>12 saw Shannon being told that her performance was</p> <p>13 not okay?</p> <p>14 A. I was not witness to those</p> <p>15 conversations.</p> <p>16 Q. And did you know anything about Miss</p> <p>17 Phillips' length of service with Starbucks in</p> <p>18 April and May of 2018?</p> <p>19 A. Meaning how long she had been with</p> <p>20 Starbucks at that time?</p> <p>21 Q. Yes, ma'am.</p> <p>22 A. Yes. I'd have to do that in my head.</p> <p>23 I know she had been an RD at least</p> <p>24 for five or six years at that point. And she was</p> <p>25 a DM at least five years from that point.</p>

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1 Q. Does it comport with your
2 recollection that it was more than 12 years with
3 Starbucks, almost 13?
4 A. That would sound close to what I just
5 approximated.
6 Q. And so in your mind, was it important
7 to you as a leader that a long-standing employee
8 like Miss Phillips receive information that her
9 performance was not okay so that she could correct
10 whatever the perceived deficiencies in her
11 performance were?
12 A. Yes, you -- you communicate when
13 performance needs to be addressed.
14 (Robyn Ruderman joins the
15 deposition.)
16 BY MS. OELTJEN:
17 Q. Were there ever any other options
18 other than termination that were discussed, to
19 your knowledge, about Ms. Phillips' employment
20 with Starbucks?
21 A. I know that there was conversations
22 or consideration of a community role of some sort.
23 Q. And were you supportive of that?
24 A. I was supportive of a -- of a
25 community role early in the discussion.

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1 Q. Was there -- given your answer and
2 reference to an "early in the discussion," was
3 there an event that changed your mind and led you
4 to conclude that Ms. Phillips needed to be
5 terminated from the business?
6 A. I don't think there was a single
7 event. I think it was a combination of the
8 derailing behaviors that were either shared with
9 me or that I witnessed myself.
10 And so any consideration of future
11 job opportunities were not -- were no longer
12 considered because then it was about performance,
13 and we're not going to move someone who was
14 struggling in role to another role.
15 Q. With respect -- with respect to the
16 behaviors that you observed yourself, have you
17 identified all of those for me or are there other
18 behaviors that you considered in connection with
19 your endorsement of Shannon's termination?
20 A. So I spoke to the -- the tardiness of
21 at least three critical meetings, and tardiness
22 and/or cannot get ahold of.
23 I -- I would say as an example when I
24 said about leadership during a crisis, you expect
25 leaders to direct, to calm the seas, if you will,

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1 to be able to marshal resources, to be able to
2 provide answers when asked. I did not see any of
3 that with Shannon during this period of time.
4 And, in particular, what stood out to
5 me, just very small examples, we were standing
6 in -- in the store, Spruce and 18th, and someone
7 came up to her to ask her about merchandising of
8 the pastry case because one of the products was
9 out or something like that, and instead of being
10 able to direct, something to me that an RD or even
11 a DM should be able to do, she actually directed
12 it to someone else to answer.
13 And at that point, I mean, that's
14 what a field leader does, you -- you're about
15 operations. And so even in the midst of a crisis,
16 some of the default expertise that you have, you
17 should be able to lead through that.
18 So I would say there was -- there was
19 examples like that around operations that I felt,
20 hey, you should be able to direct at that point.
21 But as I shared, I was -- I was just
22 very concerned about the lack of leadership that I
23 saw and that many of her own team were now --
24 stopped coming to her to ask questions and started
25 going to other people, which was a sign of the

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1 lack of leadership that she was exhibiting.
2 MS. OELTJEN: Miss Smith, I
3 apologize. My 12-year-old has just answered my
4 door and there's someone there. We don't need to
5 go off the record. I'm just going to mute myself
6 and stop my video and come right back. I'm so
7 sorry.
8 THE WITNESS: Do you want us to take
9 a break?
10 MS. OELTJEN: Is this a good time for
11 a break for you, ma'am?
12 THE WITNESS: Sure.
13 MS. OELTJEN: Okay. Why don't we do
14 that. Thanks.
15 VIDEOGRAPHER: The time is now 3:55.
16 Going off the video record.
17 (Recess.)
18 VIDEOGRAPHER: The time is now 4:05.
19 This begins Media No. 2.
20 You may proceed.
21 BY MS. OELTJEN:
22 Q. Miss Smith, before our break you were
23 sharing with me some information about performance
24 deficiencies regarding Ms. Phillips, and you gave
25 me one example of -- I'm just going to summarize

<p style="text-align: right;">Page 41</p> <p>1 it by referring to it as the pastry case example.</p> <p>2 Are you able to give me any more</p> <p>3 specific examples related to the categories of</p> <p>4 deficiencies that you have testified to?</p> <p>5 A. So I think during that -- the time of</p> <p>6 crisis, which lasted for several weeks, what I</p> <p>7 would look for in a leader, especially a leader</p> <p>8 who had been leading for six years or so, is</p> <p>9 that -- number one, that the team would come to</p> <p>10 her for direction, and they were not.</p> <p>11 Number two, that she would be</p> <p>12 leading, she would be directing, she would be</p> <p>13 providing insight.</p> <p>14 When we would have debriefs from the</p> <p>15 store visit, you know, I'd expect her to be very</p> <p>16 actively involved in the conversations or trying</p> <p>17 to address what was being shared or some of the</p> <p>18 questions that had been raised from the store</p> <p>19 visit, and there was -- there was very little</p> <p>20 conversation or response from her.</p> <p>21 So, you know, the expectation of a</p> <p>22 Regional Director, especially at that time, were</p> <p>23 just not being met. And, as I said, this went on</p> <p>24 for several weeks where it was very similar</p> <p>25 examples week over week.</p>	<p style="text-align: right;">Page 43</p> <p>1 off the top of my head. It may come to me as we</p> <p>2 --</p> <p>3 Q. Okay. If it does come to you, let me</p> <p>4 know, because I -- I will just generally state</p> <p>5 that I'm interested in all of the examples you can</p> <p>6 give me behind any area of performance deficiency</p> <p>7 you've identified for Ms. Phillips. Okay?</p> <p>8 So you'll stop me and let me know if</p> <p>9 you remember something else. Does that sound</p> <p>10 good?</p> <p>11 A. Yes. Thank you.</p> <p>12 Q. Have you ever referred to a policy</p> <p>13 within Starbucks called Safe & Welcoming?</p> <p>14 A. I -- at that time there was not a --</p> <p>15 a nationwide policy for that, so I was -- I had</p> <p>16 heard of it in -- actually post the incident in</p> <p>17 Philadelphia.</p> <p>18 Q. And when you heard of it, did you</p> <p>19 learn that that was the policy that was being used</p> <p>20 by Starbucks in its operations in the City of</p> <p>21 Philadelphia?</p> <p>22 A. My understanding was that was a -- a</p> <p>23 localized policy or procedure, if you will, to</p> <p>24 address some of the challenges that they were</p> <p>25 having within the city.</p>
<p style="text-align: right;">Page 42</p> <p>1 To me, the telling sign was when your</p> <p>2 team does -- stops coming to you and starts going</p> <p>3 to other people for direction.</p> <p>4 Q. And when you give that example -- and</p> <p>5 you did earlier in your testimony just a moment</p> <p>6 ago as well -- saying that the team -- you</p> <p>7 expected that the team would go to Shannon, are</p> <p>8 you able to point to any examples of any team</p> <p>9 member that you felt should have gone to Shannon</p> <p>10 and instead went to someone else?</p> <p>11 A. The specificity of, you know, DMs --</p> <p>12 I would say I remember Paul, who was the DM of</p> <p>13 that particular location, coming up to Shannon</p> <p>14 asking about -- and it was something -- because we</p> <p>15 had just rolled out a -- a promotion, whatever,</p> <p>16 and I remember him asking her about how to kind of</p> <p>17 handle that.</p> <p>18 And I remember her just kind of</p> <p>19 deferring to someone else. I don't -- I don't</p> <p>20 recall who she deferred to, but I do recall</p> <p>21 thinking to myself, Okay, well, you know,</p> <p>22 that's -- that's the DM coming to you. You know,</p> <p>23 you should be in a position to answer.</p> <p>24 I -- you know, I can try to recollect</p> <p>25 from years ago names, but I don't have anything</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. And during the time that you were</p> <p>2 responsible for a city's strategy for Starbucks,</p> <p>3 was that policy of Safe & Welcoming rolled out to</p> <p>4 any other locations of Starbucks other than those</p> <p>5 in the City of Philadelphia?</p> <p>6 A. Yeah, that particular policy that</p> <p>7 was -- was executed, I guess, in Philadelphia was</p> <p>8 very different than what I was working on with the</p> <p>9 U.S. strategy. There was not a -- an official</p> <p>10 U.S. strategy at that time.</p> <p>11 When we did eventually roll out a</p> <p>12 new -- a new policy, whatever was being used in</p> <p>13 Philadelphia, if anything, we -- we did not use</p> <p>14 resources from -- from actually most of the</p> <p>15 regions. We kind of started from scratch on where</p> <p>16 we felt the needs were.</p> <p>17 So I can't say we used whatever had</p> <p>18 been used in the -- the actual U.S. policy.</p> <p>19 Q. Is it accurate to say that Starbucks</p> <p>20 stopped using Safe & Welcoming in the City of</p> <p>21 Philadelphia shortly after the arrests on April</p> <p>22 12th?</p> <p>23 A. When you say "Safe & Welcoming," I'm</p> <p>24 not sure what -- what you are referring to. If</p> <p>25 you're saying the actual policy or the concept of</p>

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1 Q. Sure.
2 A. Okay. So Paul's position is that
3 the -- the call made by the store manager was not
4 racially motivated.
5 Q. That's correct.
6 A. And that it was based off of the Safe
7 & Welcoming program.
8 Q. Yes. That's what he testified to.
9 Do you agree with that?
10 MS. OELTJEN: Objection.
11 THE WITNESS: I don't -- I -- I -- I
12 mean that's -- that's Paul's perspective.
13 Are you asking me my perspective?
14 BY MR. HARRIS:
15 Q. Yes.
16 A. I can't tell you what is racially
17 motivated or not, but I know that the statements
18 from others have been there was this -- this
19 program that it -- the SM thought that she was
20 following.
21 Q. Do you think that race played a
22 factor in the store manager contacting the police?
23 A. Personally?
24 MS. OELTJEN: Objection.
25 BY MR. HARRIS:

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1 Q. Yes, personally.
2 A. Personally, yes. I think there was
3 unconscious bias there.
4 Q. Okay. Mr. Sykes also testified that
5 Miss Phillips' termination was also racially
6 motivated.
7 Do you agree with that assessment?
8 A. That Shannon's termination was based
9 off of her race?
10 Q. Yes.
11 A. I do not agree with that.
12 Q. Mr. Sykes as -- in evidence of that
13 statement suggests that he would have been
14 terminated because of his race if Shannon's
15 termination was not based on race.
16 MS. OELTJEN: Is there a question?
17 BY MR. HARRIS:
18 Q. Do you agree with that statement?
19 Yes, that's the question. Do you agree with that
20 statement?
21 MS. OELTJEN: Objection.
22 THE WITNESS: That Shannon --
23 BY MR. HARRIS:
24 Q. Yes, I'll ask it again.
25 A. Thank you.

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1 Q. Mr. Sykes testified that Shannon
2 Phillips' termination must have been based on
3 race; otherwise, he would have been terminated
4 because he was the DM responsible for that store.
5 MS. OELTJEN: Objection.
6 THE WITNESS: I do not agree with
7 that.
8 I mean, there -- this -- as I have
9 shared the last couple of hours, this was -- this
10 was all performance related --
11 BY MR. HARRIS:
12 Q. Do you --
13 A. -- not race based.
14 Q. Do you recall who replaced Mr. --
15 strike that.
16 Do you recall who replaced Miss
17 Phillips in her role after she was terminated?
18 A. Marcus Eckensberger, a white male.
19 Q. Was race a factor in the decision to
20 hire Mr. Eckensberger?
21 A. No, it was his performance, knowing
22 that he had done -- well, he was a very
23 experienced RD. He had led in New York City. He
24 had a very good track record, and we knew he would
25 hit the ground running in leading a team,

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1 certainly through crisis, because he's been
2 through several of those.
3 Q. Were there any discussions regarding
4 the leadership regarding issues of race after the
5 April 18 incident regarding Starbucks wanting to
6 rehabilitate its brand?
7 MS. OELTJEN: Objection.
8 THE WITNESS: There was conversation
9 around diversity and inclusion and race. There
10 was training that followed, so, yes.
11 BY MR. HARRIS:
12 Q. Prior to the training that occurred,
13 were there any discussions that you would be aware
14 of that Starbucks wanted to do something big,
15 other than the training, to impact its brand
16 regarding race relations?
17 MS. OELTJEN: Objection.
18 THE WITNESS: That Starbucks wanted
19 to do something in addition to training around
20 race relations?
21 BY MR. HARRIS:
22 Q. Yes.
23 A. I know that there was a lot of
24 activity around diversity and inclusion from
25 working with consultants, having listening

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1 sessions, what could we be doing to support the
2 Philadelphia community specifically, so it became
3 a much bigger conversation than just the
4 Philadelphia incident.
5 Q. Mr. Sykes also testified in an
6 unrelated topic regarding the HR function being
7 responsible for setting compensation.
8 Is that accurate?
9 MS. OELTJEN: Objection.
10 THE WITNESS: The HR function --
11 BY MR. HARRIS:
12 Q. Being responsible for setting
13 compensation for store managers or assistant store
14 managers.
15 A. So they provide guidance to -- to
16 compensation.
17 Q. Are -- is it the expectation that the
18 leadership would be responsible for setting
19 compensation?
20 A. Based off of the guidance, yes.
21 The -- the -- the leadership makes the final
22 decision. They -- they are provided
23 recommendations from HR.
24 MR. HARRIS: Thank you, Miss Smith.
25 I have no further questions.

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1 MS. OELTJEN: I just have one follow-
2 up.
3 EXAMINATION
4 BY MS. OELTJEN:
5 Q. Miss Smith, your counsel asked you
6 several questions about whether or not you believe
7 race played a role in various decisions.
8 Do you recall that?
9 A. Yes.
10 Q. Do you believe that white people can
11 be discriminated against because of their race?
12 MR. HARRIS: White people generally
13 or white people in this case?
14 BY MS. OELTJEN:
15 Q. Well, it's a general question in the
16 context of you testifying to your belief about
17 whether or not certain individuals were
18 discriminated against or not.
19 You can answer.
20 A. Do I -- do I believe that white
21 people can be discriminated against because of
22 their race?
23 Q. Yes, ma'am.
24 A. In general, anybody can be
25 discriminated against because of their race, but I

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1 think history will show you nine times out of ten,
2 it is people of color.
3 MS. OELTJEN: Miss Smith, I thank you
4 so much for your time today.
5 THE WITNESS: Thank you.
6 MR. HARRIS: I have one other follow-
7 up question.
8 Actually, strike that. I have no
9 further questions for you, Miss Smith. Thank you.
10 MS. OELTJEN: We can -- we're all
11 done then. Thank you.
12 We can go off the record.
13 VIDEOGRAPHER: The time is now 5:19.
14 This concludes Media No. 3 in the video
15 deposition.
16 (Deposition concluded.)
17
18
19
20
21
22
23
24
25

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1 WITNESS CERTIFICATION
2
3 I hereby certify that I have
4 read the foregoing transcript of my deposition
5 testimony, and that my answers to the questions
6 propounded, with the attached corrections or
7 changes, if any, are true and correct.
8
9
10
11 DATE ZETA ELAINE SMITH
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15 PRINTED NAME
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EXHIBIT H

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS CORPORATION

PAUL J. PINTO
April 1, 2021

Terry Burke Reporting
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<p style="text-align: right;">Page 97</p> <p>1 A. -- using that commonly, but I think that</p> <p>2 could have been Camille's word for it.</p> <p>3 Q. Okay. Do you recall, as of the time</p> <p>4 that this e-mail was sent to you, had anyone</p> <p>5 suggested to you that Shannon Phillips should be</p> <p>6 fired?</p> <p>7 A. Not that soon, no.</p> <p>8 Q. When was the first time -- well, I</p> <p>9 withdraw that.</p> <p>10 Did you speak with Shannon Phillips</p> <p>11 during the time that you were in the Philadelphia</p> <p>12 market beginning on April 15th?</p> <p>13 A. Oh, constantly, yeah.</p> <p>14 Q. Okay. And do you have any recollection</p> <p>15 of the first time that you spoke to or saw</p> <p>16 Shannon?</p> <p>17 A. The first time, no. It would have</p> <p>18 been -- well, let me back up. So I know it was</p> <p>19 in the store and she was sitting at a table with</p> <p>20 a few of her district managers. I don't recall</p> <p>21 what day that was.</p> <p>22 Q. Do you recall anything that you discussed?</p> <p>23 A. Well, we would have discussed all</p> <p>24 aspects of the incident.</p>	<p style="text-align: right;">Page 99</p> <p>1 just want to be careful that we are being precise</p> <p>2 on the language.</p> <p>3 Do you have any personal knowledge</p> <p>4 that it was Ms. Hymes who decided that Ms. Phillips</p> <p>5 should be terminated?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And so you then are telling me</p> <p>8 that Ms. Hymes decided to terminate Ms. Phillips,</p> <p>9 is that accurate?</p> <p>10 A. That's right.</p> <p>11 Q. Okay.</p> <p>12 You said you were involved in</p> <p>13 discussions; is that correct?</p> <p>14 A. That's right.</p> <p>15 Q. And were you ever asked for an opinion</p> <p>16 as to whether or not Ms. Phillips should be</p> <p>17 fired?</p> <p>18 A. No.</p> <p>19 Q. Did you ever offer an opinion as to</p> <p>20 whether or not Ms. Phillips should be fired?</p> <p>21 A. No.</p> <p>22 Q. Do you know why Ms. Phillips was fired?</p> <p>23 A. Yes.</p> <p>24 Q. And why do you believe Ms. Phillips was</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. And during that initial discussion, was</p> <p>2 it your impression that Ms. Phillips was engaged</p> <p>3 in addressing the incident?</p> <p>4 A. No.</p> <p>5 Q. You thought she was not engaged in</p> <p>6 addressing the incident?</p> <p>7 A. I would say there was some red flags and</p> <p>8 it started to emerge.</p> <p>9 Q. When?</p> <p>10 A. From the beginning.</p> <p>11 Q. From the beginning?</p> <p>12 A. Yes.</p> <p>13 Q. Were you involved in the decision to</p> <p>14 terminate Ms. Phillips?</p> <p>15 A. It was not my decision to make. I was</p> <p>16 involved in conversations around the possibility</p> <p>17 of.</p> <p>18 Q. Who made the decision to fire Shannon</p> <p>19 Phillips?</p> <p>20 A. It would have been Camille.</p> <p>21 Q. It would have been or it was?</p> <p>22 A. The leader is responsible for that</p> <p>23 decision, so it was Camille.</p> <p>24 Q. So I'm sorry to put you on this, but I</p>	<p style="text-align: right;">Page 100</p> <p>1 fired?</p> <p>2 A. Because it became clear through the</p> <p>3 initial approach through this incident that she</p> <p>4 was just completely not equipped to handle this</p> <p>5 matter and coming out of it she wasn't provided</p> <p>6 with direction and leadership needed in the</p> <p>7 market. And it became clear that there was</p> <p>8 absolutely no way that she would have been able</p> <p>9 to emerge this market out of this successfully.</p> <p>10 Q. So why didn't Starbucks just move her to</p> <p>11 another market?</p> <p>12 A. It was not my decision to make. I don't</p> <p>13 know. I can't answer that.</p> <p>14 Q. Did you ever suggest that Starbucks just</p> <p>15 move Ms. Phillips to another market?</p> <p>16 A. No.</p> <p>17 I would also add that by being in</p> <p>18 the market so fully for weeks and weeks, as well</p> <p>19 as all other leaders in the market, lots of</p> <p>20 other performance-related issues had emerged as</p> <p>21 a result of her lack of leadership.</p> <p>22 Q. Like what?</p> <p>23 A. There were practices that should have</p> <p>24 been in place that were not in place that were</p>

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1 rolled out company wide years before.
2 There were inequitable practices
3 with pay that emerged that she should have had
4 awareness to.

5 There were, there was a lack of
6 transparency around leadership and it was -- it
7 also became pretty clear that she didn't have a
8 significant leadership presence in the market.
9 Rarely in stores, rarely spending time with
10 leaders. As a result of our conversations and
11 round tables and discussions and touring of
12 stores, all of that emerged.

13 Q. So did you document any of that?

14 A. It would have been documented in all
15 sorts of findings that we were rolling up in a
16 variety of different ways.

17 Most of it was probably through
18 recap discussions at the end of each day with
19 the leaders. As leaders were sort of being
20 dispatched out to a variety of stores and a
21 variety of listening sessions, we would always
22 sort of reconvene and talk through what we
23 learned.

24 Q. And were those discussions documented,

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1 or notes or minutes or transcriptions, or
2 recordings, et cetera, generated as a result of
3 those discussions?

4 A. I would say probably parts of it are
5 somehow documented in some ways, but there
6 wasn't a specific effort to create transcriptions
7 for all of that.

8 Q. Did you record any of the roundtables or
9 interviews or discussions that you were part of?

10 A. No.

11 Q. And did you take notes at any of the
12 roundtables, interviews or discussions that you
13 were part of?

14 A. I'm sure I did.

15 Q. And where are those notes today, sir?

16 A. It would have been part of business
17 journals. I submitted everything I had.

18 Q. You did. So you recall handing over
19 business journals in connection with
20 Ms. Phillips' matter?

21 A. I recall going through my computer for
22 anything I can find. I think actually Starbucks
23 still has my computer. And I recall flipping
24 through all of my journals to see what would

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1 have been related. I don't recall whether or
2 not I handed any of those over, but I also don't
3 keep them for many years. I probably keep the
4 last one or two, and that's it.

5 Q. Do you recall receiving an instruction
6 at any point in time that you should save
7 whatever you had relating to Shannon Phillips?

8 A. Yes.

9 Q. And do you know when you received that
10 instruction?

11 A. No.

12 Q. But before you left Starbucks, accurate?

13 A. Yes.

14 Q. Okay.

15 And when you said you were flipping
16 through your business journals, is that like,
17 you know, handwritten notes or is it, you know,
18 something that you keep on an iPad or your
19 computer?

20 A. (Indicating.)

21 Q. You have one, okay. Terrific. It is a
22 notebook that looks like that?

23 A. Yes.

24 Q. And do you recall if you flagged anything

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1 as being related to any of the events in the
2 Philadelphia market of Starbucks from April and
3 May of 2018?

4 A. Specifically I don't recall flagging
5 anything in a journal. But I certainly recall
6 flagging things that needed to be discussed and
7 decided.

8 Q. Okay. In what format?

9 A. Conversation.

10 Q. Okay.

11 A. I mean at the time, there were probably,
12 I would have -- I probably would have taken
13 notes on specific stories that were told to me
14 from partners for followup on themes. But once
15 that data was used for that way, I wouldn't have
16 kept it.

17 Q. Okay. So let's break down further what
18 you said. You said you learned that there were
19 practices that should have been implemented in
20 the market and weren't; correct?

21 A. Yes.

22 Q. What specific practices are you
23 referring to?

24 A. Just store operating procedures and

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1 that she had worked on with Nathalie to talk
2 through the sort of sustainment plan for Philly,
3 leadership sustainment plan.
4 Q. If you turn to the second page of this
5 document.
6 A. Okay.
7 Q. I'd like to talk about the first box.
8 A. Okay.
9 Q. At the top. Okay, so I see Shannon's
10 name. Do you see that?
11 A. Yes.
12 Q. And it lists a "Current Position" and a
13 "Proposed Position"; correct?
14 A. Yep.
15 Q. And then under the column "At Risk," it
16 says "yes," and under the column "timing of
17 transition," it says "June 1st"; correct?
18 A. Correct.
19 Q. And under "Notes" it says, "Hiring
20 manager: Shannon Boldizsar"; correct?
21 A. Right.
22 Q. Okay. So what happened, if you know,
23 between April 24th and April 25th that led to
24 Shannon Phillips being identified as at risk in

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1 her current position?
2 A. Yeah. I'm not, I'm not sure if this
3 was -- if we had already had conversations about
4 how her leadership cannot continue at this point,
5 but I know that they were probably definitely
6 started, because this was also around the time
7 where Camille was having conversations with
8 Shannon about how she was feeling and what she
9 wanted to do. And the reason I know that is
10 because Shannon Boldizsar was on our social
11 impact team. And her and Shannon were in
12 conversations about their potentially being a
13 different role she could play in the community
14 leadership space.
15 Q. And it indicates on this list as well
16 that Ben Trinsey is at risk.
17 Do you see that?
18 A. Yes.
19 Q. And it similarly identifies Paul Sykes
20 as being at risk; correct?
21 A. Right.
22 Q. Was Mr. Sykes ever terminated by
23 Starbucks?
24 A. I don't know. I was sort of out of the

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1 picture before he transitioned, so I'm not -- I
2 think he wanted to transition to the New York
3 market and we couldn't support that so he left,
4 but I'm not sure that that's what happened.
5 Q. Okay. Is it safe to say that certainly
6 by June 1st, 2018, you are unaware of any decision
7 by Starbucks to fire him?
8 A. Yes.
9 Q. Okay. So he did not lose his job as a
10 result of anything that happened in connection
11 with the arrest of the two gentlemen in Philly;
12 correct?
13 A. I don't know that for sure, but I don't
14 think so.
15 Q. Okay.
16 And to your knowledge, had anyone
17 as of the date that Camille is sending this memo,
18 had anyone said to Shannon like, hey, listen,
19 we're really not happy with how you're performing?
20 A. Yeah. I'm pretty sure that Camille had
21 had those conversations, because those would
22 have happened before and during the conversations
23 with Shannon Boldizsar.
24 Q. Okay. Do you have any personal firsthand

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1 knowledge as to whether or not those
2 conversations took place?
3 A. I don't have a recollection of that
4 timeline.
5 Q. And as a human resources professional,
6 is it fair to say that you certainly have been
7 involved in the terminations of employees before?
8 A. Involved in what capacity? Just
9 involved --
10 Q. In your capacity as a human resources
11 professional?
12 A. Yes.
13 Q. Okay. And do you think it's important
14 for an employee who is performing poorly to be
15 told that they are performing poorly?
16 A. Yes.
17 Q. So in your mind, if Camille was unhappy
18 with Shannon's performance as a human resources
19 professional, you believe Shannon should have
20 been told?
21 A. Yes.
22 Q. And do you have any explanation for why
23 Ms. Camille had written down as a proposed
24 position for Mr. Sykes "DM in a suburban market"?

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1 a text message.
2 Is that what it looks like to you?
3 A. Yeah.
4 Q. Okay. And we can designate the numbers
5 as confidential, but is this you at 617-678-4521?
6 A. Yeah, I think that was my work cell.
7 Q. Okay, so that is a phone that you had
8 when you were working for Starbucks?
9 A. Yes.
10 Q. And when you left Starbucks, it sounded
11 like you gave them your computer, based on your
12 earlier testimony; is that right?
13 A. That's right.
14 Q. And did you turn over your phone as well?
15 A. Yes.
16 Q. Okay. So let's go through this page of
17 text messages, if you don't mind.
18 A. Okay.
19 Q. So at the top, do you see on May 4th,
20 2018 --
21 A. Yes.
22 Q. -- Nathalie Cioffi writes, I think it is
23 meant to say "Shannon's departure. Have you
24 discussed package? Zeta was asking."

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1 And then you below respond, "No, we
2 have not. Camille had a convo with her about
3 what she wants to do. I have not been involved
4 yet. Find out from Camille."
5 A. Yep.
6 Q. Do you see that?
7 And then Nathalie writes, "Desire
8 for accelerated process with you next week.
9 Appetite for package."
10 Have I read that correctly?
11 A. Yes.
12 Q. Okay. And then you ask "From Shannon?"
13 And she said, Nathalie says, "No. Give me a
14 call later this afternoon."
15 Do you see that at 1605?
16 A. Yes.
17 Q. And then did you call Ms. Cioffi after
18 this text exchange?
19 A. I'm sure I did.
20 Q. And do you have any recollection of that
21 discussion?
22 A. Not, not this particular discussion, but
23 it is a discussion I am sure I would have had or
24 have had.

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1 Q. Okay. Do you have any understanding why
2 there was, as of May 4th, 2018, a "Desire for
3 accelerated process with you next week?"
4 A. Let me just read the contents of this.
5 Q. Take your time. You can read the whole
6 thing. You should, in fact, read the whole
7 thing.
8 A. (Pause.)
9 Okay. What is not clear from me is
10 why Nathalie would have said "desire for
11 accelerated process with you next week. Appetite
12 for package."
13 Oh, I think this is because I said
14 find out from Camille. Okay.
15 So this would have been Camille had
16 had conversations with Shannon about the direction
17 that she was going in with her leadership, and
18 it would have been a start to the conversations
19 about what she would be looking for in a severance
20 package and this looks like the time frame that
21 that was occurring.
22 Q. Okay.
23 Sorry, I am just bringing up the
24 next one.

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1 A. Okay.
2 ([Phillips 72](#) was marked for
3 identification.)
4 BY MS. OELTJEN:
5 Q. Okay, [Phillips 72](#), also known as
6 STARBUCKS 5891 also looks to be a text exchange.
7 Why don't you read the full text exchange and
8 then let me know when you are ready. The full
9 text exchange on this page and then let me know
10 when you are ready.
11 A. Okay.
12 (Pause.)
13 Okay.
14 Q. Have you had a chance to read this full
15 page?
16 A. I did.
17 Q. Okay. This appears to me to be a text
18 exchange between you and Zeta Smith. Is that
19 accurate?
20 A. Yes.
21 Q. Okay. And would you often communicate
22 with Ms. Smith in connection with your work
23 together?
24 A. Yes.

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1 made involving Mr. Trinsey's conduct?
2 A. I don't recall one. I know there was
3 the pay difference piece, but I don't recall.
4 Q. So I think this is why I got confused in
5 my back and forth with you earlier.
6 Was there a specific allegation
7 relating to a race-based pay difference coming
8 from one of Mr. Trinsey's stores?
9 A. Yes.
10 Q. Okay. And was an employee or multiple
11 employees alleging that Mr. Trinsey had played
12 some role in perpetuating or effectuating a pay
13 difference?
14 A. There was a pay difference. Whether or
15 not, you know, he purposely decided to
16 perpetuate that difference based on race was not
17 determined.
18 Q. So Mr. Trinsey was not placed on leave
19 as a result of any concern about pay difference,
20 or he was?
21 A. It was overall leadership, which is why
22 we needed to remove him from that, from that
23 role, so that we could further investigate
24 allegations that were being surfaced.

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1 Q. And is there any documentation relating
2 to any allegations that were made regarding
3 Mr. Trinsey's conduct?
4 A. I think Nathalie would probably be better
5 equipped to answer that. Not that I'm aware of
6 or that I've seen.
7 Q. Okay. But you haven't seen any; correct?
8 A. No.
9 Q. Okay.
10 A. At this point, I would have been informed
11 from other HR leaders in the market about what
12 was going on and less involved in the day-to-day
13 decisions around what was happening in the
14 markets.
15 Q. Were you ever aware of or part of any
16 discussion in which it was contemplated that
17 Paul Sykes should be placed on any sort of
18 leave?
19 A. I'm trying to remember if we talked
20 about a leave in particular, but I know that
21 there were questions and discussions around
22 whether or not he was the right leader for that
23 market.
24 That sort of goes back to that --

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1 Q. Sorry about that. It is off. For some
2 reason it still rang anyway.
3 A. I was just going to say that goes back
4 to that document where you had at risk and
5 possible suburban market. So that conversation.
6 Q. At some point in time were you part of a
7 discussion with Shannon Phillips relating to
8 placing Mr. Trinsey on suspension?
9 A. Yes.
10 Q. Okay.
11 A. Yes.
12 Q. Tell me everything that you can recall
13 of that discussion?
14 A. We were in the basement of the store
15 where the event happened and Camille was there,
16 and I can't remember if Nathalie was there or
17 not. There might have been an additional person
18 there.
19 And we were sharing with Shannon
20 that he needed to be placed on leave while we
21 investigated further the allegations that were
22 surfacing.
23 And we also had some conversations
24 with her about how to approach it and what to

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1 say. And I remember that her demeanor was very
2 odd. It was very stoic and she just acted very
3 robotic and verbatim wrote everything that we
4 said in her notebook.
5 Q. Anything else you can recall?
6 A. No.
7 Q. Okay. Is it possible that that
8 conversation took place in the lobby of the
9 Warwick Hotel in Philadelphia?
10 A. I believe, I thought we were in the
11 store in the basement.
12 Q. Okay. At the time that you were having
13 the discussion with Shannon, had a decision been
14 made whether or not Ms. Phillips was going to be
15 terminated or have some other change in her
16 status with Starbucks?
17 A. No, because that was earlier on.
18 Q. When you say "that was earlier on," you
19 are referring to the conversation about Ben
20 Trinsey was before a decision had been made to
21 terminate Shannon?
22 A. Yes.
23 Q. Okay. You told me that you shared the
24 allegations that were surfacing.

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1 community. All of that.
 2 Q. We saw an e-mail, actually it was a text
 3 message -- excuse me -- a text message that said
 4 that Miss Philips had crashed and burned.
 5 Did you agree with that assessment?
 6 A. Yes.
 7 Q. How so and why?
 8 A. It became very clear that her leadership
 9 started with panic, went into this just complete
 10 freeze. She wasn't upholding her responsibilities
 11 by being present and it was clear that there was
 12 no way that that market would recover under her
 13 leadership as a result of her escalated
 14 ineffective leadership.
 15 Q. When you say "present," what do you mean
 16 by that, physically present or emotionally
 17 present or both?
 18 A. I would say both. I think what was
 19 uncovered during this process is a whole bunch
 20 of leaders got much closer to the market and her
 21 impact on the market than ever happened before,
 22 and it was clear that she was not the right
 23 leader to move that market forward.
 24 Q. Now, was that your personal assessment

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1 or was it others who also came to that assessment
 2 as well?
 3 A. It was --
 4 MS. OELTJEN: Objection.
 5 MR. HARRIS: Withdrawn.
 6 MS. OELTJEN: I can't instruct you
 7 not to answer.
 8 MR. HARRIS: Withdrawn. I will
 9 rephrase the question.
 10 BY MR. HARRIS:
 11 Q. Based on your personal assessment of
 12 Miss Philips, can you tell us how you assessed
 13 her leadership during the time period from April
 14 of 2018 up until the time that she was separated
 15 from the organization?
 16 A. How I assessed it?
 17 Q. Yes.
 18 A. Yeah. It, you know, like I had
 19 mentioned before, I had worked with Shannon very
 20 closely through many of her promotions and
 21 development opportunities. So it was very
 22 common for her and I to have conversations about
 23 where she was showing up well and where she
 24 wasn't showing up well and, you know, we'd

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1 confide in each other about, you know, performance
 2 and just have very open conversations about it.
 3 The Shannon that I saw during this
 4 was a completely different person. It was, it
 5 was -- it just, you know, completely paralyzed
 6 leadership. It was initially we were trying to
 7 figure out how we could support to give her the
 8 tools and resources necessary to be successful,
 9 but she wasn't doing her part. And then it
 10 became clear that the market was being impacted
 11 as a result of that leadership the closer and
 12 closer we got.
 13 Q. What was her part, Mr. Pinto?
 14 A. It was absent.
 15 Q. Okay.
 16 A. It was absent.
 17 MR. HARRIS: May Mr. Pinto be shown
 18 Starbucks Exhibit Bates stamped 403 through 406.
 19 Rick, are you able to do that for me?
 20 VIDEO SPECIALIST: You said 403
 21 through 406?
 22 MR. HARRIS: Yes.
 23 VIDEO SPECIALIST: One moment.
 24 BY MR. HARRIS:

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1 Q. I am showing you what has been marked as
 2 Bates stamped 403.
 3 Should we mark this, Terry, as
 4 Exhibit No., is it 73? Is that what number we
 5 are on?
 6 MS. OELTJEN: If you don't mind,
 7 can you mark it to identify it as a defense
 8 exhibit, not a Plaintiff's Exhibit, please.
 9 MR. HARRIS: Sure. No problem.
 10 MS. OELTJEN: You were using P's,
 11 which is why I went with Phillips.
 12 MR. HARRIS: Okay, no problem. We
 13 mark this for the purposes of Mr. Pinto --
 14 MS. OELTJEN: I can give you your
 15 last number. I will tell you.
 16 MR. HARRIS: Why don't you tell me,
 17 Kate. Thanks.
 18 MS. OELTJEN: I will. I will let
 19 you know what you last used.
 20 I am sure Marc will correct me if I
 21 am wrong, but I think the last number you used
 22 was P-7.
 23 MR. HARRIS: Okay. We will mark
 24 this as P-8.

EXHIBIT I

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS CORPORATION

NATHALIE CIOFFI
April 2, 2021

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<p style="text-align: right;">Page 69</p> <p>1 Q. Were you part of any discussion or aware 2 of any discussion in which any change in 3 Mr. Sykes' status was considered? 4 A. Yes. 5 Q. And what were those discussions that you 6 can recall, please? 7 A. For him not to be in the district in 8 Philadelphia. 9 Q. And who was part of those discussions? 10 A. Myself, Camille. I am not entirely 11 sure, so I cannot guess to that. Mark 12 Eckensberger and Paul Pinto. But mostly myself, 13 Camille and Marcus Eckensberger. 14 Q. And was there anyone who was 15 particularly in favor of having Mr. Sykes move 16 out of the district, if you know? 17 A. I think all from, yeah, Paul Sykes could 18 not remain in this district. 19 Q. But he did; right? 20 A. No, he did not. Well, he did not. He 21 made the choice to not wanting to move where we 22 wanted to move him, but he didn't have the 23 choice to stay in the district. 24 Q. Well, how much later was that in</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. Well, at any point in time did Starbucks 2 tell Mr. Sykes that he needed to leave and it 3 was Starbucks choice that he do so? 4 A. No. 5 Q. Do you have any explanation for why 6 actions were taken by Starbucks against 7 Mr. Trinsey and Ms. Phillips well before 8 anything related to Mr. Sykes? 9 MR. ESTEROW: Object to form. You 10 can answer. 11 THE WITNESS: I have my, I have my, 12 what my observation and the why. The 13 explanation is that -- it was a -- when we came 14 into the City of Philadelphia and following the 15 event, I think what it highlighted was there was 16 a lack of leadership. There was a lack of 17 understanding the partner's sentiment. Lack of 18 standards in the store. The list is on. So 19 that's the reason for Shannon Phillips was 20 removed from the position. Ben Trinsey was 21 suspended following the whole slew of things 22 between the partner sentiment and the actual 23 state of the district. 24 BY MS. OELTJEN:</p>
<p style="text-align: right;">Page 70</p> <p>1 May 2018, that was some time later; correct? 2 A. Yes, it was later than May 18. It would 3 have been in that same time, in that summer part 4 Paul Sykes was asked to be moved to a different 5 district. 6 Q. And are you able to say when that was? 7 A. I would have to look at, I'm not able to 8 pinpoint a date. It would have been around that 9 summer. 10 Q. So certainly after Mr. Trinsey was 11 suspended; correct? 12 A. Yes. 13 Q. And certainly after Miss Philips was 14 fired; correct? 15 A. Yes. 16 Q. And isn't it accurate that Mr. Sykes 17 asked to be allowed to transfer to New York? 18 A. Yes, yes. 19 Q. And Starbucks was not able to accommodate 20 that request; correct? 21 A. We are able to accommodate. It would 22 decline the request. 23 Q. Okay. But he wasn't fired; right? 24 A. Not on the request.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. So that wasn't my question. 2 A. I'm sorry. 3 Q. That's okay. My question was do you 4 have an explanation for why Starbucks took 5 action first against Ben Trinsey and then 6 Miss Philips and then time passed before 7 anything happened in connection with Mr. Sykes' 8 employment? I am trying to understand if you 9 have an explanation for why there was that gap 10 in time? 11 MR. ESTEROW: Object to form. You 12 may answer. 13 THE WITNESS: Paul Sykes, as much 14 as I think -- for Paul Sykes, the district was 15 not in good standing either for which he had to 16 be removed. But Paul Sykes was very willing to 17 work with us and very willing to say, okay, this 18 is a disaster, I'm going to do something 19 different. We're going to work together. We're 20 going to collaborate and we're going to do this. 21 There was vastly different behavior. Sort of 22 bundle up, sort of, all right, let's do this. 23 This is not great. We're going to work on this. 24 His behavior and his attitude was</p>

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<p>1 super willing to kind of change the fact and</p> <p>2 kind of, all right, this is not good, but we</p> <p>3 have to move forward. We have to change the</p> <p>4 situation here, and I'm going to be, I'm going</p> <p>5 to be along this with you.</p> <p>6 He was really, he was extremely</p> <p>7 collaborative and kind of creating with us along</p> <p>8 and really hard working. Paul Sykes had a</p> <p>9 different type of like, he had a little bit more</p> <p>10 leadership and collaborations with us.</p> <p>11 BY MS. OELTJEN:</p> <p>12 Q. Is it fair to say that Mr. Sykes was the</p> <p>13 senior most boots-on-the-ground employee in the</p> <p>14 City of Philadelphia who was Black?</p> <p>15 MR. ESTEROW: Object to form. You</p> <p>16 may answer.</p> <p>17 THE WITNESS: One more time. Can</p> <p>18 you repeat the question?</p> <p>19 BY MS. OELTJEN:</p> <p>20 Q. Sure. Wasn't Mr. Sykes the most senior</p> <p>21 Starbucks employee working, you know, within the</p> <p>22 City of Philadelphia?</p> <p>23 MR. ESTEROW: Object to form. You</p> <p>24 may answer.</p>	<p>1 American Starbucks employee working within that</p> <p>2 district; correct?</p> <p>3 MR. ESTEROW: Object to form. You</p> <p>4 may answer.</p> <p>5 THE WITNESS: The most senior</p> <p>6 within the district, yeah. The district manager</p> <p>7 is the most, is the highest in the district.</p> <p>8 BY MS. OELTJEN:</p> <p>9 Q. And there was, I think you will agree</p> <p>10 with me, there was a lot of media attention on</p> <p>11 Starbucks in the City of Philadelphia in April</p> <p>12 and May of 2018; correct?</p> <p>13 A. I do agree with you.</p> <p>14 Q. And so do you think that Mr. Sykes' race</p> <p>15 led to any conclusion by Starbucks that he</p> <p>16 should be allowed to stay in the district</p> <p>17 because of all the media scrutiny that was</p> <p>18 happening?</p> <p>19 A. No.</p> <p>20 Q. Why not?</p> <p>21 A. Because that was never part of the</p> <p>22 consideration. That was never part of the</p> <p>23 discussion. The discussions were based on</p> <p>24 partner sentiment, partner engagement, partner</p>
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<p>1 THE WITNESS: As a district manager</p> <p>2 or any employee in Philadelphia?</p> <p>3 BY MS. OELTJEN:</p> <p>4 Q. Was there anyone higher than Mr. Sykes</p> <p>5 working in Philadelphia?</p> <p>6 MR. ESTEROW: Object to form. You</p> <p>7 may answer.</p> <p>8 THE WITNESS: Anyone higher. So</p> <p>9 the original director and then --</p> <p>10 BY MS. OELTJEN:</p> <p>11 Q. Right. He wasn't based in Philadelphia;</p> <p>12 right?</p> <p>13 A. Correct.</p> <p>14 Q. Shannon Phillips had responsibility for</p> <p>15 a large area; correct?</p> <p>16 A. Right, right.</p> <p>17 Q. And then Camille Hymes had responsibility</p> <p>18 for a large geographic area; correct?</p> <p>19 A. Correct, yes.</p> <p>20 Q. And Mr. Sykes' only responsibilities</p> <p>21 were for stores in the City of Philadelphia;</p> <p>22 correct?</p> <p>23 A. For his district, correct, yes.</p> <p>24 Q. Okay. So he was the most senior African</p>	<p>1 concern, state of the stores, operational</p> <p>2 standards, teamwork.</p> <p>3 Q. Wasn't Mr. Sykes just as responsible for</p> <p>4 anything that was going on in the City of</p> <p>5 Philadelphia related to the operations of the</p> <p>6 stores, et cetera, as Mr. Trinsey was?</p> <p>7 MR. ESTEROW: Object to form. You</p> <p>8 may answer.</p> <p>9 THE WITNESS: He had the same level</p> <p>10 of responsibility, yes.</p> <p>11 BY MS. OELTJEN:</p> <p>12 Q. And weren't there also complaints coming</p> <p>13 from partners that reported up to Mr. Sykes and</p> <p>14 not Mr. Trinsey about how things had been</p> <p>15 operating in the City of Philadelphia?</p> <p>16 A. I assume, so there was concerns for</p> <p>17 multiple partners, some I was privy to, some</p> <p>18 went directly to the PRSC. It would be my</p> <p>19 assumption that there must have been complaints</p> <p>20 from all districts.</p> <p>21 Q. And wouldn't Mr. Sykes have been as</p> <p>22 responsible for complaints coming from stores</p> <p>23 that he managed as Mr. Trinsey was for</p> <p>24 complaints coming from stores that he managed?</p>

EXHIBIT J

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS CORPORATION

BENJAMIN TRINSEY
May 21, 2021

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1 was homeless at one point in time?
2 A. That's correct.
3 Q. And tell me what you know about that in
4 connection with her hire by Starbucks?
5 A. I just know that she fled New York City
6 to get out of an abusive relationship. And so
7 she had a place for her kids to stay, but that
8 she was living in a shelter.
9 Q. Did you hire her?
10 A. No.
11 Q. Did you promote her?
12 A. Yes.
13 Q. Was anyone else involved in Jaicee's
14 promotion?
15 A. I mean her store manager helped develop
16 her.
17 Q. And did you think it was important
18 during your time as a district manager to have a
19 racially diverse group of employees in your
20 stores?
21 A. Yes.
22 MS. OELTJEN: Mr. Trinsey, if you
23 don't mind, I just want to take a five-minute
24 break. I might have a couple of additional

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1 questions for you, but we won't be too much
2 longer on my end. Mr. Harris may have questions
3 for you as well.
4 THE WITNESS: Okay.
5 MS. OELTJEN: If we could go off
6 the record.
7 VIDEO SPECIALIST: We are going off
8 the record. The time is 10:34 a.m.
9 (Recess.)
10 VIDEO SPECIALIST: We are back on
11 the record. The time is 10:42 a.m.
12 BY MS. OELTJEN:
13 Q. Mr. Trinsey, you are no longer employed
14 at Starbucks; correct?
15 A. That's correct.
16 Q. And how did your employment end?
17 A. I don't really know how to like classify
18 it. I guess I left, but I also -- I got a
19 lawyer and he worked with Starbucks on the terms
20 of me leaving.
21 Q. Okay. So I just want to tell you, never
22 tell me anything, or Mr. Harris, anything that a
23 lawyer has told you. That is your --
24 A. Sure.

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1 Q. -- confidential information. It is
2 privileged.
3 A. Okay.
4 Q. So Mr. Trinsey, do you think that you
5 had a choice to stay at Starbucks?
6 A. No.
7 Q. Okay. So it was your understanding that
8 no matter what your employment with Starbucks
9 was going to end?
10 A. That's correct.
11 Q. Do you believe that your race played a
12 role in your employment ending at Starbucks?
13 A. Yes.
14 Q. And do you think you were treated fairly
15 by Starbucks?
16 A. No.
17 Q. And why not?
18 A. I mean I'll go back to the reasons for
19 suspension. The very process and standard that
20 they have for determining pay, they know, they
21 wrote it, they created it, but they were somehow
22 implying that I controlled it. So like, you
23 know, I knew that, you know, they were willing
24 to do anything to get me out.

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1 Q. And earlier I think I referred to your
2 HR business partner as Joyce Verillo. It is
3 Joyce Verino; right?
4 A. It is Joyce. Again, it was so long ago.
5 I'm not good with last names.
6 Q. Sure.
7 Is there anything else that you
8 would like me to know about your treatment by
9 Starbucks?
10 A. No. I was just really disappointed.
11 It's like it's damaged my trust in anybody or
12 anything.
13 Q. Did Miss Phillips ever talk to you about
14 your testimony today?
15 A. No.
16 Q. Did she ask you to say anything in
17 particular today?
18 A. No. When she notified me, she just said
19 tell the truth.
20 Q. And do you have any financial stake in
21 the outcome of Ms. Phillips' matter against
22 Starbucks?
23 A. No.
24 MS. OELTJEN: I don't have any

<p style="text-align: right;">Page 33</p> <p>1 further questions for you today, Mr. Trinsey. I 2 thank you very much for your time today. 3 THE WITNESS: Thanks. 4 BY MR. HARRIS: 5 Q. Mr. Trinsey, if I may, can you tell me 6 what your educational background is? 7 A. I went to culinary school. 8 Q. Okay. Do you have a college degree? 9 A. No, I didn't finish. 10 Q. Okay. So when you said you went to 11 culinary school, what school did you attend? 12 A. Art Institute of Philadelphia. 13 Q. Okay. And from what years did you 14 attend? 15 A. 2000 to 2002. 16 Q. And were you employed with Starbucks, 17 again remind me, was that 2003? 18 A. Correct. 19 Q. Okay. And you were hired initially as a 20 barista? 21 A. Yes. 22 Q. Okay. And then you worked up through 23 the organization, did you not? 24 A. That's correct.</p>	<p style="text-align: right;">Page 35</p> <p>1 recommendation and then ultimately the leader 2 decides what compensation would be for that 3 employee who is being selected? 4 MS. OELTJEN: Objection. 5 BY MR. HARRIS: 6 Q. You can answer that question. 7 A. I can answer the question? 8 Q. Yes. 9 A. Oh, I was trained that you always follow 10 the guidelines of HR. So I didn't -- I honestly 11 didn't even know it is an option. Same thing 12 with partner asset and protection. There's -- 13 the systems exist for this reason. 14 Q. But when the system spit out disparities, 15 who is responsible for correcting those 16 disparities, would it be the leader's 17 responsibility? 18 MS. OELTJEN: Objection. 19 THE WITNESS: I don't understand 20 your question. 21 BY MR. HARRIS: 22 Q. Sure. If the system spits out a 23 disparity in compensation, who is responsible 24 for reconciling those disparities?</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. And then ultimately you were the 2 regional manager? 3 A. District manager. 4 Q. District manager, excuse me. District 5 manager. And part of your region included 6 Philadelphia? 7 A. That's correct. 8 Q. Okay. And Mr. Trinsey, do you know how 9 your compensation was set? 10 A. No, I wasn't a part of that discussion, 11 so. But I would assume it followed the same 12 standard that I had to as a district manager. 13 Q. And what was that standard? 14 A. You submit a resume and tenure with the 15 company and the pay is determined by human 16 resources. 17 Q. You said pay is determined by human 18 resources. Does human resources make a 19 recommendation regarding pay? 20 A. Human resources makes the recommendation, 21 yes. 22 Q. But ultimately it is the leader who 23 decides what the pay compensation would 24 ultimately be? Human resources makes the</p>	<p style="text-align: right;">Page 36</p> <p>1 MS. OELTJEN: Objection. 2 BY MR. HARRIS: 3 Q. You can answer the question. 4 A. Human resources. 5 Q. Okay. So your testimony is that human 6 resources is responsible for setting pay and 7 actually deciding pay? 8 A. Correct. 9 Q. All right. Let me give you some 10 information. Mr. Pinto testified a few weeks 11 ago, and specifically he says it is the leader's 12 responsibility for setting pay. 13 Do you disagree with that statement? 14 MS. OELTJEN: Objection. 15 BY MR. HARRIS: 16 Q. You can answer. 17 A. Yes. 18 Q. Okay. And you said that you were trained 19 differently than what Mr. Pinto testified to. 20 Who trained you accordingly? 21 MS. OELTJEN: Objection. 22 THE WITNESS: Michael Scott. 23 BY MR. HARRIS: 24 Q. And Michael Scott's position was?</p>

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1 Now, Mr. Trinsey, you testified
2 that the employees that made allegations, you
3 are saying, and I understand, that the employees
4 that made allegations against you, that those
5 allegations were false or inaccurate. Is that
6 accurate?
7 MS. OELTJEN: Objection. I am
8 sorry, I didn't hear you, Rich. You cut out.
9 So could you just ask -- I don't know what
10 Mr. Trinsey just answered.
11 MR. HARRIS: Sure.
12 BY MR. HARRIS:
13 Q. The allegations against you made by the
14 employees, you testified that the allegations
15 were false because you had no control over
16 setting compensation?
17 A. Correct.
18 Q. Okay.
19 Do you think it was appropriate for
20 Starbucks HR or the other organization that you
21 identified, partner asset protection, to conduct
22 an investigation based on the employee's making
23 these allegations?
24 MS. OELTJEN: Objection.

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1 THE WITNESS: Sure. I mean you
2 have to look into any allegation.
3 BY MR. HARRIS:
4 Q. Okay. And that was done and that's
5 pursuant to the policy in which you are aware of?
6 MS. OELTJEN: Objection.
7 THE WITNESS: I wasn't involved in
8 all of the details so I don't know.
9 BY MR. HARRIS:
10 Q. Sure. Not the details, but let's go
11 over process. Specifically when an allegation
12 is made, the policy is for every single allegation
13 that is made there is supposed to be an
14 investigation?
15 MS. OELTJEN: Objection.
16 THE WITNESS: Sure.
17 BY MR. HARRIS:
18 Q. Okay. And that was done here. And
19 although you just --
20 A. Yeah. And I will say I was a part of
21 many allegations but we never -- you know, I
22 never suspended anybody while they were being
23 investigated, especially for something you know
24 is like not -- is out of their control.

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1 Q. Okay. Okay. Now, if -- okay.
2 You testified initially, in the
3 beginning of your testimony you said that you
4 had testified at a deposition before.
5 Can you tell us the nature of that
6 allegation?
7 A. Sure. It was I had separated a store
8 manager for, she was manipulating her employee's
9 pay and, you know, there was digital evidence of
10 it. And so, you know, I worked with -- I
11 reported it to partner asset and protection and
12 then they recommended separation so I separated
13 her. And then Starbucks was being sued for age
14 discrimination.
15 Q. Okay. And what happened with that case?
16 A. I had a deposition, but I don't know the
17 outcome of that case, so.
18 Q. But age wasn't a factor in the decision
19 making?
20 A. No.
21 Q. Okay. And would that have been a
22 decision, the separation that you -- separating
23 that particular employee, you were responsible
24 for making that separation?

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1 A. Based off of the recommendation of the
2 partner asset and protection, yes.
3 Q. Okay. How did the allegation first come
4 to your attention?
5 A. A partner in her store shared it with me.
6 Q. And then you conducted an investigation
7 or asset protection conducted an investigation?
8 A. I shared that with partner asset
9 protection and they conducted the investigation.
10 Q. But ultimately you made the decision as
11 to separate the employee, it wasn't asset
12 protection?
13 A. No. Again, I'm going back to, the
14 standard is you go off the recommendation of,
15 you know, either human resources or partner
16 asset and protection. They do that so it is a
17 third party reviewer so that, you know, you
18 don't risk discrimination.
19 Q. Understood. But you ultimately made the
20 decision?
21 MS. OELTJEN: Objection.
22 THE WITNESS: I decided to follow
23 the policy of the company, yeah.
24 BY MR. HARRIS:

EXHIBIT K

REDACTED: Non-Responsive

2018-05-04 22:04:07 UTC <Zeta Smith <" +1 [REDACTED]>>>: Things need to escalate with Shannon. She has crashed and burned

2018-05-04 22:14:59 UTC <Paul J Pinto <[REDACTED]>>>: Ok Nathalie gave me the heads up. Just got back- what do you need from me?

2018-05-04 23:05:32 UTC <Zeta Smith <" +1 [REDACTED]>>>: Jen appears to be working the package. Need to help Camille with a plan for Shannon to exit.

2018-05-04 23:20:43 UTC <Paul J Pinto <[REDACTED]>>>: Ok. Can you chat tomorrow?

2018-05-04 23:36:27 UTC <Zeta Smith <" +1 [REDACTED]>>>: I am in the air at 8:10 or so, so can call you before I board or can call you when I land at 4pm your time. I have too quick of a layover to call you earlier. Thoughts?

2018-05-05 00:26:22 UTC <Paul J Pinto <[REDACTED]>>>: 4 is good. Thanks

2018-05-05 00:31:02 UTC <Zeta Smith <" +1 [REDACTED]>>>: Ok. Will call you driving home

2018-05-05 00:37:29 UTC <Paul J Pinto <[REDACTED]>>>: 3Y'3Y4

2018-05-07 00:21:12 UTC <Paul J Pinto <[REDACTED]>>>: Was jen more open to a coffee break?

2018-05-07 00:21:31 UTC <Zeta Smith <" +1 [REDACTED]>>>: I am speaking with her now

2018-05-07 00:25:13 UTC <Paul J Pinto <[REDACTED]>>>: 3Y'3Y4

2018-05-07 00:26:59 UTC <Zeta Smith <" +1 [REDACTED]>>>: If the package is good enough, we won't need coffee break

2018-05-07 00:27:44 UTC <Paul J Pinto <[REDACTED]>>>: True, but she may be more interested in saving face

2018-05-07 00:46:10 UTC <Zeta Smith <" +1 [REDACTED]>>>: Agree as well. I shared that with Jen. I also told her that Shannon reached out to Camille and they will be speaking tomorrow. She said hear her out, but do NOT bring up coffee break option. If Shannon does, we will get back to her....

2018-05-07 00:47:27 UTC <Paul J Pinto <[REDACTED]>>>: Ok

2018-05-09 03:12:11 UTC <Paul J Pinto <[REDACTED]>>>: Just got this from Shannon

{files\Image\FullSizeRender_13.jpg}

2018-05-09 03:12:41 UTC <Paul J Pinto <[REDACTED]>>>: Iâ€ve tried to call Camille about a game plan... no answer

2018-05-09 03:12:58 UTC <Zeta Smith <" +1 [REDACTED]>>>: Here we go!

2018-05-09 03:13:04 UTC <Paul J Pinto <[REDACTED]>>>: Yep

EXHIBIT

Ph ps 72 Ap 1, 2021

STARBUCKS005891

EXHIBIT L

Richard R. Harris (*admitted pro hac vice*)

Marc D. Esterow (NJ No. 210102016)

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Attorneys for Defendant,

Starbucks Corporation

d/b/a Starbucks Coffee Company

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SHANNON PHILLIPS,

Plaintiff,

V.

STARBUCKS CORPORATION d/b/a
STARBUCKS COFFEE COMPANY,

Defendant.

• • • • •

Civil Action No. 1:19-cv-19432-RMB-AMD

DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Defendant Starbucks Corporation d/b/a Starbucks Coffee Company (hereinafter “Starbucks”), by and through its undersigned counsel, submits the following responses and objections to Plaintiff Shannon Phillips’ (“Ms. Phillips”) First Set of Requests for Production of Documents.

OBJECTIONS AND LIMITATIONS APPLICABLE TO ALL REQUESTS

In addition to any objections or limitations stated below in Starbucks' specific responses to Ms. Phillips' First Set of Requests, Starbucks incorporates the following objections and limitations into each of its responses:

19. The entire contents of the personnel or other files (including, but not limited to, all documents related to performance and discipline) of each individual who was hired to replace Plaintiff or perform any job duties performed by her during her employment, including, without limitation, files maintained by or in the possession of Defendant's personnel department, human resources department, managers, legal department, and/or supervisors.

RESPONSE: Between May 9, 2018 and the present, the following individuals were or currently are Regional Directors responsible for supporting Districts Ms. Phillips previously supported as a Regional Director: Marcus Eckensberger, TJ Wolfersberger, Linda Johnson, and Dominic Alessandrini. Starbucks objects to producing the “entire contents” of Mr. Eckensberger’s, Mr. Wolfersberger’s, Ms. Johnson’s, and Mr. Alessandrini’s personnel files because such a Request seeks documents that are neither relevant nor proportional to the needs of this case, because it seeks confidential, personal, and private information that would invade the privacy rights of Starbucks’ non-party current and former employees, because the phrase “other files” is vague and undefined, and because Ms. Phillips has made no showing of particularized relevance to justify production of the “entire contents” of Mr. Eckensberger’s, Mr. Wolfersberger’s, Ms. Johnson’s, and Mr. Alessandrini’s personnel files. *See Saller v. QVC, Inc.*, Civ. A. No. 15-2279, 2016 WL 4063411 at *4 (E.D. Pa. Jul. 29, 2016) (“[D]iscovery of personnel files must be limited to documents relevant to the plaintiff's claims because of the confidential information within these files.”); *Jeffress v. Ocwen Fin. Corp.*, Civ. A. No. 15-6330, 2016 WL 6276443, at **3-4 (E.D. Pa. Oct. 27, 2016) (denying motion to compel on nearly identical discovery request); *Bracey v. Price*, Civ. A. No. 09-1662, 2012 WL 849865, at *2 (W.D. Pa. Mar. 13, 2012) (providing that party demanding production of complete personnel files must “demonstrate the particularized relevance of them”); *Paluch v. Dawson*, Civ. A. No. 06-01751, at *3 (M.D. Pa. Dec. 12, 2007) (denying motion to compel production of entire personnel files); *Chiaradonna v. Rosemont College*, Civ.

A. No. 06-1015, 2006 WL 3742777 at *2 (E.D. Pa. Dec. 11, 2006) (stating that discovery of personnel records is usually permitted only for parties or similarly situated individuals, and even in those cases, courts tailor disclosure only to relevant issues); *Sosky v. International Mill Serv., Inc.*, Civ. A. No. 94-2833, 1995 WL 368173, at *6 (E.D. Pa. June 21, 1995) (denying motion to compel production of entire personnel file, reasoning that “Plaintiff is not entitled to the entire personnel file, as some items in the file likely are confidential personal and family matters that are not relevant. . . .”). Accordingly, at this time Starbucks will not produce any documents in response to this Request; however, if there are particular aspects from Mr. Eckensberger’s, Mr. Wolfersberger’s, Ms. Johnson’s, and Mr. Alessandrini’s personnel files that Ms. Phillips believes are necessary to her pursuit of this action, she should identify those aspects, and in response Starbucks would be willing to meet and confer with Ms. Phillips’ counsel.

20. The entire contents of the personnel or other files (including, but not limited to, all documents related to performance and discipline) of each individual who was hired or considered for any role previously filled by Plaintiff prior to her termination or for which she was considered prior to her termination including without limitation, files maintained by or in the possession of Defendant’s personnel department, human resources department, managers, legal department, and/or supervisors.

RESPONSE: Starbucks directs Ms. Phillips to its responses and objections to Request No. 19, which Starbucks incorporates by reference as if set forth in full herein. Ms. Phillips has made no showing of particularized relevance to justify production of the “entire contents of the personnel or other files . . . of each individual who was hired or considered for any role previously filled by Plaintiff prior to her termination or for which she was considered prior to her termination” By way of further response, Starbucks also asserts the following proportionally objections to this Request:

EXHIBIT M

Chat with Ben Trinsey Personal

5/9/2018 8:54:17 PM - 6/29/2020 11:16:28 PM

Export Details:

Device Phone Number +1 [REDACTED]

Device Name Shannon's iPhone

Device ID [REDACTED]

Backup Date Friday, July 17, 2020 10:26 AM

Backup Directory [REDACTED] Redacted

iOS 13.1.2

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.3.4.0

Participants:

[REDACTED] Ben Trinsey Personal

Wednesday, May 9, 2018

Ben Trinsey Personal

Hi Shannon. It's Ben. This is my personal cell. I heard from my sm's. They're hurting from hearing about you. I'm pissed. You have been an incredible leader, friend, boss. I'm sad and in all honesty don't even want to go back even if they let me. Can I call you?

8:54 PM

Me

I'm telling my mom. Can I call you shortly?

8:55 PM

Ben Trinsey Personal

Sure

8:55 PM

Me

Sorry. Should've sent to this number.

9:42 PM

Ben Trinsey Personal

?

9:43 PM

Me

I sent the last text to your work phone...sorry.

9:43 PM

Me
Since when can't partners give a pound of coffee away??!! 9:54 PM

Ben Trinsey Personal
She's still my favorite and the best fsm. 9:57 PM

Me
https://m.huffpost.com/us/entry/us_5b204db9e4b0adfb826eec77/amp 9:58 PM

Me
Saw this today...guess it isn't just white people they wanna get rid of. 9:58 PM

Ben Trinsey Personal
Wow. 10:01 PM

Me
Yep. 10:01 PM

Me
It was on LinkedIn today... 10:01 PM

Me
I fucking hate that place! 10:02 PM

Me
What are you doing this weekend? Is Mirabel home? 10:02 PM

Ben Trinsey Personal
I got David Mack's 10 year plaque in the mail today. 10:03 PM

Me
I have Paul's 15...lol! Should I give it to someone?? 10:03 PM

0:03 PM

Redacted Non Responsive

0:04 PM

0:04 PM

EXHIBIT N

In The Matter Of:
SHANNON PHILLIPS v.
STARBUCKS CORPORATION

SHANNON BOLDIZSAR
May 4, 2021

Terry Burke Reporting
Registered Professional Reporters
terryburkermr@gmail.com
(215) 205-9079

SHANNON BOLDIZSAR

19

1 otherwise handling -- I'm summarizing --
2 otherwise handling the crisis.

3 So when you were doing that crisis
4 work, were you physically present in Philadelphia?

5 A. I was not.

6 Q. Did you ever come to Philadelphia in
7 April of 2018?

8 A. No.

9 Q. And did you ever come to Philadelphia in
10 May of 2018?

11 A. No.

12 Q. Is there an acronym used within
13 Starbucks of TLA?

14 A. Yes.

15 Q. And can you tell me what TLA means, if
16 you know?

17 A. Time limited assignment.

18 Q. And was there a time in April of 2018
19 when you were in a position to interview
20 candidates for a time limited assignment?

21 MR. ESTEROW: Object to form. You
22 can answer, Shannon.

23 THE WITNESS: There was a -- we
24 were considering a potential for an internal

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SHANNON BOLDIZSAR

20

1 Starbucks partner employee to potentially serve
2 in a TLA role. And we were not -- again, we
3 were in crisis mode. It was not a formal job.
4 It was not posted. It had no job description.
5 It was, it was an exploring. We did not conduct
6 what I would call or what I would refer to as
7 formal interviews because it was not a posted
8 position, but we conducted more of conversations
9 and dialogues to explore with internal partners
10 whether they might be a fit for a potential
11 role.

12 BY MS. OELTJEN:

13 Q. When you say "we were considering a
14 position for an internal candidate to serve in
15 that TLA role," to whom are you referring in
16 the "we"?

17 A. That would be the team, our government
18 affairs team at the time.

19 Q. Could you identify by name, please?

20 A. Sure. Zulima Espinel, Kim Winston and
21 James Roth.

22 Q. And did any of the individuals that you
23 just identified report to you?

24 A. No.

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SHANNON BOLDIZSAR

21

1 Q. Were they above you, below you, or the
2 same level in the government affairs organization,
3 if you know?

4 A. They were my supervisors.

5 Q. Okay.

6 A. Excuse me. Zulima and James were my
7 supervisors. Kim was a peer.

8 Q. Okay. Was Shannon Phillips one of the
9 candidates that you spoke to in connection with
10 the potential TLA assignment?

11 A. I would not call Shannon a candidate,
12 but she was somebody who was recommended that we
13 talk with about the TLA role.

14 Q. Who else did you speak to about the TLA
15 role and that person was someone who was
16 interested in the role?

17 A. I don't recall.

18 Q. Was Miss Phillips the only person you
19 spoke to?

20 A. No.

21 Q. Are you able to say how many other
22 people you spoke to who were interested in the
23 role?

24 A. No.

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SHANNON BOLDIZSAR

22

1 Q. More than five?

2 A. I, I believe a handful. So approximately
3 five.

4 Q. Okay.

5 And did you have a discussion with
6 anyone in which giving the TLA role to one of
7 those handful of people was discussed?

8 A. Can you please repeat that?

9 Q. Sure. That was a poor question. I will
10 give you that, Ms. Boldizsar. That was not very
11 artfully done.

12 Were you ever part of any discussion
13 or are you aware of any discussion in which a
14 particular person who you had spoken to in
15 connection with the TLA role was discussed as
16 someone who should actually get that role?

17 A. No.

18 Q. Are you aware of anyone ever being
19 considered to receive the role?

20 A. No.

21 Q. Was a salary band ever discussed for the
22 role?

23 A. No.

24 Q. Was a supervisory structure ever

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23

1 discussed for the role?

2 A. No.

3 Q. Was a job description ever drafted for
4 the role?

5 A. No.

6 Q. Was a time period, you know, going into
7 the time limited assignment part of the role,
8 was a time period ever determined for the role?

9 A. Can you rephrase that? It wasn't about
10 being determined, but --

11 Q. Sure.

12 A. Can you be more exact? That would be
13 helpful in how I answer your question.

14 Q. Sure.

15 So let me ask you this: In order
16 for an assignment to be considered a TLA
17 assignment, is there a maximum period of time
18 that that role is allowed to last for?

19 A. I believe at Starbucks that varies.

20 Q. So have you ever seen a scenario where
21 someone has been in a TLA role for multiple years?

22 A. Oh, not in my group and I cannot recall
23 a specific instance within the company.

24 Q. In any discussions that you were part of

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SHANNON BOLDIZSAR

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1 termination?

2 A. No.

3 Q. What happened to the TLA position, if
4 anything?

5 A. We determined, and when I say "we," our
6 team determined that it was not going to meet
7 our needs and set Starbucks up for success given
8 the crisis situation that was evolving daily,
9 and we decided not to proceed with next steps.

10 Q. And did anyone, either inside Starbucks'
11 organization or outside of Starbucks' organization
12 ever perform any of the tasks that had been
13 discussed as being part of the potential TLA role?

14 MR. ESTEROW: Object to form. You
15 can answer.

16 THE WITNESS: Yes.

17 BY MS. OELTJEN:

18 Q. And who or what performed those tasks?

19 A. Those tasks were performed by the
20 government affairs team itself, the members of
21 the government affairs team. The four names --
22 excuse me, the three names and myself that we --
23 I shared earlier. And if you would like me to
24 repeat those, I am happy to.

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SHANNON BOLDIZSAR

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1 The only reason Miss Phillips did
2 not receive the TLA position, as far as you
3 know, is that the company decided not to create
4 the position; is that correct?

5 A. That is correct.

6 Q. And were you ever part of any discussion
7 where it was stated that Ms. Phillips was not
8 qualified for the potential TLA role?

9 A. If you could rephrase that, I would
10 appreciate it.

11 Q. Sure. In the context of whatever
12 exploratory discussions you were having with
13 anyone about the potential TLA role, did you
14 ever hear anyone say Shannon Phillips should not
15 get the role because she is not qualified?

16 A. No.

17 Q. Did anyone ever speak out about Shannon
18 Phillips as a potential candidate for that role?

19 MR. ESTEROW: Object to form. You
20 can answer.

21 THE WITNESS: No.

22 BY MS. OELTJEN:

23 Q. Was there anything about the discussion
24 that Shannon had with you or anyone else that

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SHANNON BOLDIZSAR

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1 A. I'll say no on that one. I do not know
2 that person.

3 Q. Okay.

4 MS. OELTJEN: All right, I do not
5 have any further questions and I thank you very
6 much for your time today.

7 MR. ESTEROW: All right.

8 BY MR. ESTEROW:

9 Q. All right, Shannon, just a couple short
10 questions for you.

11 You testified that the TLA position
12 was not going to meet our needs and set Starbucks
13 up for success. What did you mean by that?

14 MS. OELTJEN: Objection. You can
15 answer.

16 THE WITNESS: We were unable to
17 find -- well, the situation was evolving at the
18 time on a frankly hour-by-hour day-to-day basis
19 and our needs were also evolving in the market.
20 And the candidates that -- it was determined
21 that the candidates that we spoke with were --
22 we would put them probably in a much more
23 difficult position than their expertise or --
24 excuse me, than their skills and qualifications

TERRY BURKE REPORTING

SHANNON BOLDIZSAR

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1 would allow.

2 BY MR. ESTEROW:

3 Q. What made the situation difficult?

4 Strike that.

5 What would have made the situation
6 difficult for those candidates?

7 A. The sensitivity of which we were getting
8 the inquiries and the need for, again -- the
9 need for ongoing deep relationships with some of
10 those policy makers and elected officials.

11 Can you restate the question, Marc,
12 and then I need to -- I wanted to fully answer.

13 MR. ESTEROW: Sure. Terry, could
14 you repeat back my question.

15 (The question was then read back by
16 the reporter.)

17 THE WITNESS: Yes.

18 And we were not only getting
19 inquiries from the police chief and the police
20 department, but elected officials at all levels
21 of government, and it became quickly apparent to
22 our team that the expertise that we had as
23 government affairs professionals was not
24 something that could just quickly be learned or

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SHANNON BOLDIZSAR

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1 picked up on regardless of what we thought we
2 were looking for in those TLA positions, but
3 required that, if you will, sensitivity and
4 expertise in dealing with and working with
5 elected officials. So specifically the
6 government affairs professional aspects.

7 BY MR. ESTEROW:

8 Q. Understood.

9 How did Starbucks come to hire
10 Bellevue Strategies as an outside consultant?

11 MS. OELTJEN: Objection.

12 BY MR. ESTEROW:

13 Q. You can answer the question, Shannon.

14 A. I am not aware of the specific details,
15 but I believe that, I believe that we were
16 contacted by Mustafa via e-mail reaching out to
17 Starbucks. I was not involved in his direct
18 hiring.

19 Q. Understood.

20 A. The firm's direct hiring. Excuse me.

21 Q. Great. So as far as you are aware,
22 Starbucks was not, was not seeking to hire
23 Bellevue, rather Bellevue approached Starbucks,
24 am I getting your testimony correct?

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EXHIBIT O

From: Shannon Phillips
Sent: Friday, April 20, 2018 5:30 PM
To: Camille Hymes
Subject: Re: Urgent Requests - Public Affairs TLA for Philly

I would suggest Michael Scott for this. I don't have anyone on my DM team that I think would be able to step into this position.

Sent from my iPhone

On Apr 20, 2018, at 8:01 PM, Camille Hymes <[REDACTED]> wrote:

Team,
Please vet perspectives prior to sending me your recommendations. We're on the clock for this one.

As a filter, this opportunity is for someone with high emotional intelligence, existing Philadelphia community connections, interpersonal savvy, executive presence and strong project management/communication skills.

Questions, please call me live.

Sent from my iPhone

Begin forwarded message:

From: Shannon Boldizar <[REDACTED]>
Date: April 20, 2018 at 7:44:40 PM EDT
To: Zulima Espinel <[REDACTED]>, James Roth <[REDACTED]>, Kim Winston <[REDACTED]>, Camille Hymes <[REDACTED]>, Shannon Phillips <[REDACTED]>, Virginia Tenpenny <[REDACTED]>, Rodney Hines <[REDACTED]>, Zabrina Jenkins <[REDACTED]>, Kristopher Clemmons <[REDACTED]>, Jennifer Bibby <[REDACTED]>, David Oclander <[REDACTED]>, Alicia Vermaele <[REDACTED]>
Subject: Requests - Public Affairs TLA for Philly

Team,

As we work to finalize and implement our Philly Forward plan, there's an urgent need to have a partner on the ground to advance our efforts and be our voice with critical stakeholders including government affairs and community influencers. This will be an external affairs position that will help us lead our work locally, and coordinate as necessary, around government affairs, community investments, brand and partners. We know there are current partners that likely have the type of experience and skills necessary to take on this role, hit the ground running, and be our advocate. They need to know Philly. We are reaching out to you to get recommendations of partners we might consider for a 6-12 month opportunity, based in Philly.

We need to move quickly, so hope to have your suggestions by Sunday evening at 5p. Please send to me directly and I'll compile for next steps. Thanks much!

Shannon

EXHIBIT P

From: Shannon Phillips
Sent: Wednesday, April 25, 2018 1:57 PM
To: Shannon Boldizar
Subject: Re: Philly TLA

Lol! We were talking yesterday and I told her I had recommended Ben. She felt like he wasn't the right person and that I am. Of course, I'd love to do this but I am not sure I am qualified. I have lots of experience in Philly and certainly engaging with community organizations but very little engaging with governmental organizations. I'd love to discuss and have no hard feelings if I'm not the right person. 😊

Let me know when you'd like to connect.

Talk soon,
Shannon

Sent from my iPhone

On Apr 25, 2018, at 4:41 PM, Shannon Boldizar <[REDACTED]> wrote:

You are aware Camille recommended you for this role?
If so, are you interested and can I put 30 min. on your calendar to discuss with our team?
Shannon

EXHIBIT
Phillips 44

STARBUCKS003852

EXHIBIT Q

From: Shannon Boldizar
Sent: Wednesday, May 2, 2018 2:06 PM
To: Shannon Phillips
Subject: RE: Thank you!

Hello my friend,

Quick follow-up on TLA role we spoke about during our recent call. For now, we remain on hold with our approach, and wanted to be sure to reach out to keep you informed.

My colleague, Kim, has been in Philadelphia conducting follow-up meetings. Some have been positive and friendly, while others are sensitive. It quickly became clear that putting any TLA partner into this mix would not set any of us up for success moving forward.

We will be in touch if/when our approach changes.

P.S. Camille is aware 😊

Shannon

From: Shannon Phillips
Sent: Monday, April 30, 2018 6:30 AM
To: Shannon Boldizar <[REDACTED]> James Roth <[REDACTED]>
Subject: Thank you!

Good Morning Shannon & Jamie,

I wanted to reach out and say thank you for connecting with me on Thursday afternoon.

I had been in Philadelphia all day and was navigating out of the city during our connect and I fear I likely didn't come across very strategic and possibly a bit scattered. In sharing about the recent experience in the city, I should also have shared that a few days in, I was able to sit down with key stakeholders (PRO, P&AP, Camille, Zeta) to come up with our 'early lessons learned' and then created a plan to move forward: both immediate, 30-day, and sustainment. If you'd like to see what we came up with and shared out, I'd be happy to share this with you.

At any rate, I do appreciate the consideration for this new, exciting position. I had the opportunity to connect with Rodney Hines later on Thursday as well, and he was excited and supportive of me for this role as well.

Have a fantastic Monday!

Many thanks,
Shannon

Shannon Phillips
Starbucks Coffee Company
A71 – regional director
[REDACTED]

Recognize, Appreciate, Support, Include & Delight.